



1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 30— July 25, 1997

Pages 9630 - 9878

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
George H. Ryan
Secretary of State



Printed on recycled paper

TABLE OF CONTENTS
July 25, 1997 Volume 21, Issue 30

PROPOSED RULES

CAPITAL DEVELOPMENT BOARD

Illinois Accessibility Code

71 Ill. Adm. Code 4009630

CARNIVAL-AMUSEMENT SAFETY BOARD

Carnival And Amusement Ride Safety Inspection Law

56 Ill. Adm. Code 60009632

POLLUTION CONTROL BOARD

Clean Fuel Fleet Program

35 Ill. Adm. Code 2419639

Emissions Reduction Market System

35 Ill. Adm. Code 2059649

Tiered Approach To Corrective Action Objectives

35 Ill. Adm. Code 7429687

PUBLIC AID, DEPARTMENT OF

Hospital Services

89 Ill. Adm. Code 1489712

PUBLIC HEALTH, DEPARTMENT OF

Aids Drug Assistance Program

77 Ill. Adm. Code 6929714

Ambulatory Surgical Treatment Center Licensing Requirements

77 Ill. Adm. Code 2059720

SECRETARY OF STATE

The Use Of The Capitol Complex Facilities

71 Ill. Adm. Code 20059727

ADOPTED RULES

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

Local Tourism And Convention Bureau Program

14 Ill. Adm. Code 5509732

COMMERCE COMMISSION, ILLINOIS

Confidential Contracts

83 Ill. Adm. Code 3359744

CORRECTIONS, DEPARTMENT OF

Reimbursement For Expenses

20 Ill. Adm. Code 1109758

PUBLIC AID, DEPARTMENT OF	
Medical Payment	
89 Ill. Adm. Code 140	9763

EMERGENCY RULES

CAPITAL DEVELOPMENT BOARD	
Illinois Accessibility Code	
71 Ill. Adm. Code 400	9781

PUBLIC AID, DEPARTMENT OF	
Hospital Services	
89 Ill. Adm. Code 148	9822

SECRETARY OF STATE	
Regulations Under The Illinois Securities Law Of 1953	
14 Ill. Adm. Code 130	9828

NOTICE OF PUBLIC HEARINGS

CARNIVAL-AMUSEMENT SAFETY BOARD	
Carnival And Amusement Rides Safety Act	
56 Ill. Adm. Code 6000	9859

REGULATORY AGENDA

ENVIRONMENTAL PROTECTION AGENCY	
Access To Information Of The Illinois Environmental Protection Agency	
2 Ill. Adm. Code 1826, et al	9860

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	9870
-------------------------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

97-373	Amateur Radio Week	9871
97-374	Rolle Bolle Days	9871
97-375	Single Parents Day	9871
97-376	Michael A. Grocholski Day	9872
97-377	Mothers of Twins and Multiples Week	9872
97-378	Metric Week	9872
97-379	Transistor Month	9873
97-380	Jerry Witkovsky Commended	9873
97-381	Walls-Tolbert-Riley Family Reunion Weekend	9874
97-382	Hispanic Heritage Month	9874

97-383	Travel Professionals Days	9875
97-384	National Association of Black Journalists Week	9875
97-385	Theatre Days	9875
97-386	Black Expo Week	9876
97-387	Slovak American Day	9876
97-377	Mothers of Twins and Multiples Week (Revised)	9877
97-387	Slovak American Day (Revised)	9877
97-388	ADA - Tying It All Together Day	9877
97-389	Jewish United Fund of Met. Chicago and Jewish Federation of Met. Chicago Silver Circle Day	9878

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1995
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Accessibility Code

2) Code Citation: 71 Ill. Adm. Code 400

3) Section Numbers:
400.310 Proposed Action:
400.420 Amended
Amended

4) Statutory Authority: Implementing and authorized by the Environmental Barriers Act [410 ILCS 25]

5) A Complete Description of the Subjects and Issues Involved: The sole purpose of this proposed amendment is to accurately reflect agreements made by the Capital Development Board with the Attorney General's office, public commentators, and JCAR prior to adoption of a previous rulemaking implementing the Illinois Accessibility Code. That rulemaking was adopted April 24, 1997. This rulemaking corrects technical mistakes so that materials used at training seminars and distributed to the public will reflect those agreements and the true intent of the rules adopted on April 24, 1997.

6) Will this proposed rule replace an emergency rule current in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed rule does not create or expand the state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, IL 62706
217/782-2864

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: All affected to the extent that accessibility

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements may apply to buildings or public facilities they own.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None required, but individuals may consult with architects, contractors, or attorneys.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time the Regulatory Agenda was published.

The full text of the proposed amendment is identical to the text of the emergency amendment appearing in this issue of the Register on Page .

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Carnival and Amusement Ride Inspection Law

2) Code Citation: 56 Ill. Adm. Code 6000

3) Section Numbers:
6000.10 Proposed Action:
6000.50 Amendments

4) Statutory Authority: 430 ILCS 85/2-6

5) A Complete Description of the Subjects and Issues Involved: These amendments implement actions taken by the Carnival-Amusement Safety Board at their January 18, 1997 meeting.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
6000.300	Amendment	March 28, 1997, 21 Ill. Reg. 3781

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge any state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A public hearing will be held as follows:

August 26, 1997
Tuesday, 11:00 A.M.
160 N. LaSalle St., 13th Floor
Chicago, Illinois 60601-3150

Oral Testimony will be limited to 10 minutes per person. Written comments may also be submitted at the public hearing or will be accepted until September 15, 1997.

Written comments should be submitted to:

Carl Kimble, Chief Inspector
Carnival & Amusement Ride Division
Illinois Department of Labor
#1 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT

217/782-9347

12) Initial Regulatory Flexibility Analysis: These rules will affect only those operators who do not schedule their inspection and/or do not pay their fees in a timely manner.

A) Types of small businesses, small municipalities and not for profit corporations affected: Operators of amusement rides

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000

CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	Definitions
6000.10	Exemptions
6000.20	Inspections
6000.30	Application for a Permit to Operate
6000.40	Permit, and Inspection and Associated Fees
6000.50	Revocation of Permit to Operate (Repealed)
6000.60	Suspension of Permit to Operate
6000.65	Ride Design and Construction
6000.70	Insurance
6000.80	Penalties
6000.90	Appeals
6000.100	Assembly and Disassembly
6000.110	Operator Requirements
6000.120	Passenger Conduct
6000.130	Signal Systems
6000.140	Daily Inspection and Test
6000.150	Reports
6000.160	Maintenance
6000.170	Stop Operation Order
6000.180	Fire Prevention and Protection
6000.190	Internal Combustion Engines
6000.200	Means of Access and Egress
6000.210	Electrical Equipment
6000.220	Hydraulic Systems
6000.230	Air Compressors and Equipment
6000.240	Wire Rope
6000.250	Chain
6000.260	Inflated Amusement Attractions and Inflated Buildings
6000.270	Non-Destructive Testing
6000.280	Ski Lifts, Aerial Tramways, and Rope Tows
6000.290	Go-Karts, Dune Buggies, and All-Terrain Vehicles
6000.300	Water Slides
6000.310	Dry Type Slides
6000.320	Trams
6000.330	Bungee Jumping
6000.340	

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 6000.10 Definitions

In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"Annual Inspection" is the official inspection of a ride or device made by the Director or his designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box #28518, Columbus, Ohio 43228-0518.

"ASTM" is the abbreviation for American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

"Department" means Illinois Department of Labor. (Section 2-2 of the Act)

"Director" means the Director of the Illinois Department of Labor or his designee. (Section 2-2 of the Act)

"Dry Slides" means an inclined surface with a change in elevation of

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT

twenty feet or more upon which people slide or are conveyed.

"Flume" means an inclined channel which conveys the water and the slide participant from the top of the slide to the plunge pool.

"Inspection Scheduling Fee" means a fee assessed by the Department upon an operator who requests an inspection less than two weeks before the first scheduled day of operation.

"Kiddie Rides" are those rides which are designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those rides which are designed for more than 75 pounds per passenger unit.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2 of the Act). For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, who owns an amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement ride(s) and/or amusement attraction(s).

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENT

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" as used in this Part shall be deemed made if the department receives all fees assessed in the form of a check or money order made payable to "Illinois Department of Labor" no later than seven calendar days after the date of inspection.

"Permit" means a permit issued annually by the Department allowing an amusement ride or an amusement attraction unit to be operated in the State of Illinois.

"Plunge Pool" means a pool or artificial body of water into which a person exits from a water slide.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the ride or attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Tram" means: Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides. (Section 2-2 of the Act)

"Water Slide" means a slide which consists of a flume, a plunge pool, a pump reservoir and water treatment facilities where water is pumped to the top of the flume and allowed to flow down the flume to the plunge pool.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Clean Fuel Fleet Program

2) Code Citation: 35 Ill. Adm Code 241

3) Section Numbers: Proposed Action:
241.113 Amend
241.130 Amend
241.140 Amend
241.Appendix B Amend

4) Statutory Authority: 415 ILCS 5/9, 9.1, and 28.5

5) A Complete Description of the Subjects and Issues Involved: This proposed Docket R98-8 was filed by the Illinois Environmental Protection Agency (IEPA) with the Board on July 7, 1997, pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5]. As explained in more detail in the Board's opinion and order of July 11, 1997, available at the Clerk's office at the address noted below at #11, the proposed amendments delay the Clean Fuel Fleet program required under Section 182 of the Clean Air Act. The amendments delay compliance for one year with the acquisition requirements of the CFFP for fleet vehicles located in or primarily operated in the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, and the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County. The CFFP required certain fleets in the Chicago ozone nonattainment area to acquire a certain percentage of low emission vehicles, if they acquired any new vehicles beginning September 1, 1997. However, federally certified low emission vehicles will not be available in sufficient numbers or types in Illinois. USEPA is allowing Illinois to delay the effective date of the CFFP to give the auto manufacturers sufficient time to produce the needed vehicles. In addition, the proposal includes two corrections to the credit values for Ultra Low Emission Vehicles in Appendix B - Tables A and D.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: The proposed amendments are brought pursuant to Section 28.5 of the Act. Section 28.5 applies solely to the adoption of rules proposed by the Illinois EPA and are required to be adopted by the State under the Clean Air Act. The CFFP is required by the CAA and the amendments are authorized by USEPA.

CARNIVAL-AMUSEMENT SAFETY BOARD
NOTICE OF PROPOSED AMENDMENT

Section 6000.50 Permit, and Inspection and Associated Fees

Fees assessed under the Act will be: Annual-permit-and-inspection--fees--under this-Act--will-be:

- a) Permit Fees
1) Kiddie Rides: \$10.00 each
2) Major Rides: \$25.00 each
3) Amusement Attractions: \$25.00 each
4) Ski Lifts, Aerial Tramways, and Rope Tows: \$25.00 each
5) Inflated Amusement Attractions: \$10.00 each
6) permit issued upon resolution of a Stop Operation Order: \$10.00 each

- b) Inspection Fees
1) Kiddie Rides: \$20.00 each
2) Major Rides: \$50.00 each
3) Amusement Attractions: \$50.00 each
4) Ski Lifts, Aerial Tramways, and Rope Tows: \$50.00 each
5) Inflated Amusement Attractions: \$20.00 each
6) Reinspection to resolve a Stop Operation Order: \$250.00 each
7) Reinspection: \$20.00 each

c) Administrative Hearing Fee: \$250.00 per hearing. Fees-double--if--not paid-within-45-days-

d) Inspection Scheduling Fee: \$100.00 per amusement ride and/or amusement attraction.

e) Fees double if not paid within 45 days.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R98-8 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and

Rachel L. Doctors
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19726
Springfield, Illinois 62794-9276

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The anticipated effect of delaying the CFFP one year on the above entities is expected to be neutral or positive, as compliance by both large and small businesses was anticipated to be difficult due to the unavailability of federally certified low emission vehicles.

B) Reporting, bookkeeping or other procedures required for compliance:
No additional requirements.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Rule(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 241

CLEAN FUEL FLEET PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Other Definitions
241.101	Definitions
241.102	Abbreviations
241.103	Incorporations by Reference
241.104	

SUBPART B: GENERAL REQUIREMENTS

Section	Applicability
241.110	Exemptions
241.111	Registration of Fleet Owners or Operators
241.112	Control Requirements
241.113	Conversions
241.114	Operating Requirements
241.115	

SUBPART C: CREDITS

Section	Clean Fuel Fleet Credit Program
241.130	Credit Provisions
241.131	

SUBPART D: RECORDKEEPING AND REPORTING

Section	Reporting Requirements
241.140	Recordkeeping Requirements
241.141	Report of Credit Activities
241.142	

APPENDIX A Emission Standards for Clean Fuel Vehicles

TABLE A	Low Emission Vehicle (LEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
TABLE B	Ultra-Low Emission Vehicle (ULEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
TABLE C	NMOG Standards for Flexible-Fueled and Dual-Fueled Vehicles
TABLE D	Emission Standards for Model Year 1998 and Later Heavy-Duty Vehicles (g/bhp-hr)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subsection (a) of this Section.

- c) An owner's or operator's light-duty and heavy-duty clean fuel vehicle acquisition requirements in a given model year shall be the number of clean fuel vehicles calculated in subsections (a)(1) and (a)(2) of this Section plus any fraction of the same category and weight class (i.e., LDV/LDT or HDV) of motor vehicle acquisition requirements carried over from a preceding year.
- d) Notwithstanding subsections (b) and (c) of this Section, in any model year no owner or operator shall:
 - 1) Fall short of the acquisition requirements for new LDV/LDT or HDV clean fuel vehicles by an amount equal to or greater than one motor vehicle unit;
 - 2) Meet the acquisition requirements for clean fuel LDVs or LDTs through acquisition of clean fuel HDVs; or
 - 3) Meet the acquisition requirements for clean fuel HDVs through the acquisition of clean fuel LDVs or LDTs.
- e) Motor vehicles acquired to meet the requirements of subsection (a) of this Section or Subpart C of this Part must be certified by USEPA to meet the federal emission certification standards of either LEV, ULEV, ZEV, or ILEV for a clean alternative fuel(s), as set forth in Appendix A of this Part and in 40 CFR Part 88, incorporated by reference in Section 241.104 of this Part.
- f) The owner or operator must meet the acquisition requirements of subsection (a) of this Section by acquiring clean fuel vehicles or redeeming credits equal to or greater than the number of vehicle units calculated in accordance with subsection (a) of this Section through one or more of the following:
 - 1) Purchase or lease of clean fuel vehicles certified by USEPA to meet any of the LEV, ULEV, ZEV, or ILEV standards referenced in subsection (e) of this Section;
 - 2) Conversion of existing or new motor vehicles to meet a LEV, ULEV, ZEV or ILEV standard specified in subsection (e) of this Section, consistent with the requirements of Section 241.114 of this Subpart; or
 - 3) Redeem credits generated or acquired consistent with the requirements of Subpart C of this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: CREDITS

Section 241.130 Clean Fuel Fleet Credit Program

- a) Any owner or operator of ten or more fleet vehicles located or primarily operated in the covered area may participate in the clean fuel fleet credit program, provided that the owner or operator requests that the Agency establish a clean fuel fleet credit account

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- APPENDIX B Credit Values
- TABLE A Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1999 #998 or Acquiring More Light-Duty Clean Fuel Vehicles than Required
- TABLE B Credit Generation: Acquiring Light-Duty ULEV or ZEV Clean Fuel Vehicles
- TABLE C Credits Needed in Lieu of Acquiring a Light-Duty LEV
- TABLE D Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before MY 1999 #998 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required
- TABLE E Credit Generation: Acquiring Heavy-Duty ULEV or ZEV Clean Fuel Vehicles
- TABLE F Credits Needed in Lieu of Acquiring a Heavy-Duty LEV

AUTHORITY: Implementing Sections 9, 9.1, and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27, and 28.5].

SOURCE: Adopted in R95-12 at 19 Ill. Reg. 13265, effective September 11, 1995; amended in R98-8, at 21 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL REQUIREMENTS

Section 241.113 Control Requirements

- a) Any covered fleet owner or operator who acquires one or more new covered fleet vehicles in a model year must meet the emission standards in subsection (e) of this Section for the following percentages of new covered fleet vehicle acquisitions:
 - 1) The portion of the acquisition of light-duty new covered fleet vehicles that must be light-duty clean fuel vehicles in any model year (MY) are as follows:
 - A) In MY 1999 #998, at least 30 percent;
 - B) In MY 2000 #999, at least 50 percent; and
 - C) In MY 2001 #998 and every MY thereafter, at least 70 percent.
 - 2) The portion of the acquisition of heavy-duty new covered fleet vehicles that must be heavy-duty clean fuel vehicles shall be 50 percent of the total number of heavy-duty new covered fleet vehicles acquired in each model year, commencing in MY 1999 #998 and thereafter.
- b) Any fraction of a new clean fuel vehicle acquisition requirement resulting from the percentage calculation in subsection (a)(1) or (a)(2) of this Section may be carried over and added to the new clean fuel vehicle acquisition requirement in the next model year for that type of clean fuel vehicle (i.e., LDV and LDT, or HDV) in which an acquisition of such a clean fuel vehicle is required pursuant to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and complies with the registration, operating, emission standards, and recordkeeping and reporting requirements of Sections 241.112, 241.113(e), 241.115, and 241.142 of this Part, respectively, and the requirements of this Subpart and, if the vehicle for which credit is being claimed is converted, complies with the requirements of Section 241.114 of this Part.

b) Any owner or operator of a fleet may earn credits by:

- 1) Acquiring more clean fuel vehicles or fractions of clean fuel vehicles than required in any MY pursuant to Section 241.113 of this Part;
 - 2) Acquiring clean fuel vehicles that meet the ULEV or ZEV standard;
 - 3) Acquiring clean fuel vehicles which belong to a category of motor vehicles that are otherwise exempt under Section 241.111 of this Part; and
 - 4) Acquiring clean fuel vehicles before September 1, 1998 if, if the requirements of Section 241.112 of this Part have been met.
- c) Credits will be generated, redeemed, or traded after the owner or operator submits the information listed in Section 241.140(a) and (b) of this Part to the Agency for each clean fuel vehicle involved in the credit transaction, requests that a credit transaction be posted and states the number of credits added to and subtracted from the credit accounts, and the Agency has received and reviewed the submittal. Credit transactions must be authorized by the owner or operator whose account is being reduced. The Agency will review, and add to and subtract from, credit accounts, according to the criteria of this Subpart and Appendix B of this Part.
- d) Credits shall be designated by the Agency at the time of issuance as either LDV/LDT credits or HDV credits. LDV/LDT credits may not be exchanged for HDV credits and HDV credits may not be exchanged for LDV/LDT credits.
- e) Notwithstanding subsection (b) of this Section, if a clean fuel vehicle has ever been used to demonstrate compliance under Subpart B of this Part, or used to generate credits under this Subpart, such clean fuel vehicle may never be used by any other person for the purpose of generating credits under this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

SUBPART D: RECORDKEEPING AND REPORTING

Section 241.140 Reporting Requirements

By November 1, 1999 if 1998, and by November 1 every year thereafter, the owner or operator of a covered fleet must submit the following information about its activities during the prior model year to the Agency:

- a) For each motor vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The make, model, and year of manufacture;
 - 2) The date of vehicle acquisition;
 - 3) The vehicle identification number (VIN);
 - 4) The GVWR, as specified by the manufacturer;
 - 5) If the motor vehicle is being used to earn credits, the LVW for LDVs whose GVWR is less than or equal to 6,000 lbs and the ALVW for LDVs whose GVWR is greater than 6,000 lbs;
 - 6) The license plate number and state registered in; and
 - 7) A statement of whether the motor vehicle is exempt pursuant to Section 241.111 of this Part and which exemption applies.
- b) For each clean fuel vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:
- 1) The low emission standard(s) to which the motor vehicle is certified by USEPA, consistent with Section 241.113(e) of this Part;
 - 2) The clean alternative fuel(s) to which the motor vehicle is certified to operate by the manufacturer in order to meet the federal low emission standard(s) in Section 241.113(e) of this Part;
 - 3) The 8-character alpha numeric bar-coded vehicle emission configuration number; and
 - 4) For motor vehicles converted to clean fuel vehicles pursuant to Section 241.114 of this Part:
 - A) The date the motor vehicle was converted;
 - B) The name and address of the person(s) or firm performing the conversion; and
 - C) A statement that, to the best of the owner's or operator's knowledge, the motor vehicle was converted in accordance with the applicable requirements of 40 CFR Part 88, incorporated by reference in Section 241.104 of this Part.
- c) In addition to the information required in subsections (a) and (b) of this Section, the owner or operator must state:
- 1) The number, to the nearest tenth, of clean fuel vehicles the owner or operator was required to acquire pursuant to Section 241.113 of this Part;
 - 2) How that obligation was met;
 - 3) If any of the clean fuel vehicles in the fleet used for compliance or credits in the last two model years are no longer part of the fleet, the VIN and the date the clean fuel vehicle was transferred or taken out of service; and
 - 4) If the fleet vehicles are centrally fueled at a location that is owned, operated or controlled by the covered fleet owner or operator, the amount of bulk fuel purchased by type of fuel.
- d) All reports to the Agency must include the owner's or operator's fleet registration number, the name of the operation, and the signature of the owner or operator.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 241.APPENDIX B Credit Values

TABLE A Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1999 1998 or Acquiring More Light-Duty Clean Fuel Vehicles than Required

TYPE	LDV, LDT		LDT <6000		LDT >6000		LDT >6000		LDT >6000	
	<6000 GVWR	>3750 GVWR	<6000 GVWR	>3750 GVWR	<6000 GVWR	>3750 GVWR	<6000 GVWR	>3750 GVWR	<6000 GVWR	>3750 GVWR
	<3750 LVW	>3750 LVW	<3750 LVW	>3750 LVW	<3750 LVW	>3750 LVW	<3750 LVW	>3750 LVW	<3750 LVW	>3750 LVW
LEV	1.00	1.26	0.71	0.91	1.11					
ULEV	1.20	1.54	1.00	1.26±.29	1.56±.47					
ZEV	1.43	1.83	1.43	1.83	2.23					

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TABLE D Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before
MY 1999 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required

VEHICLE TYPE HDV

LEV 1.00

ULEV 1.87

ZEV 3.53

(Source: Amended at 21 Ill. Reg. _____, effective
_____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Emissions Reduction Market System

2) Code Citation: 35 Ill. Adm. Code 205

3) Section Numbers: Proposed Action:

205.100 New
205.110 New
205.120 New
205.130 New
205.150 New
205.200 New
205.205 New
205.210 New
205.220 New
205.225 New
205.300 New
205.310 New
205.315 New
205.318 New
205.320 New
205.330 New
205.335 New
205.337 New
205.400 New
205.405 New
205.410 New
205.500 New
205.510 New
205.600 New
205.610 New
205.620 New
205.630 New
205.700 New
205.710 New
205.720 New
205.730 New
205.740 New
205.750 New
205.760 New

4) Statutory Authority: 415 ILCS 5/9.8, 27 and 28

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes to add 35 Ill. Adm. Code 205 to create an emissions reduction market system which will operate within the Chicago ozone nonattainment area.

6) Will this proposed rule(s) replace an emergency rule currently in effect?

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule(s) (amendment, repealer) contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R97-13 within 45 days of publication in the Illinois Register to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

and

Bonnie R. Sawyer
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276

12) Initial Regulatory Flexibility Analysis: The proposed 35 Ill. Adm. Code 205 pertains to major sources of emissions in the Chicago ozone nonattainment area. These rules are mandated by the Clean Air Act and, therefore, no small business will be affected to a degree greater than allowed by federal law. Therefore, a Regulatory Flexibility Analysis is not necessary.

A) Types of small businesses affected: The proposed rule applies to major sources of emissions located in the Chicago ozone nonattainment area. The only small businesses that may be affected by the proposed rule are those that are required to obtain a Clean Air Act Permit Program ("CAAPP") permit, have seasonal volatile organic material (VOM) emissions of at least 10 tons and are located within the Chicago ozone nonattainment area. The proposed rule provides for regulatory flexibility as required by the Administrative Procedure Act ("APA") [5 ILCS 110/5-30]. The proposed rules are consolidated with the existing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

CAAPP program and the Annual Emission Reporting Requirements. The proposed rule includes a performance based exemption from emissions reductions and provides an exemption for sources emitting 15 tons or less of VOM per ozone season.

B) Reporting, bookkeeping or other procedures required for compliance: Sources will be required to keep records to demonstrate compliance with the proposed rule. In most instances, the records required will not be significantly more extensive than required under the source's CAAPP permit. Sources will be required to submit an application for a permit modification and an application for a transaction account. Sources will be required to report seasonal VOM emissions. Annual VOM emissions information is currently reported, however, and the seasonal reporting will be a supplement to the existing annual report.

C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance but a trained account officer will be required for each transaction account. (See Subpart F, Section 205.620.)

13) Regulatory agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: ALTERNATIVE REDUCTION PROGRAM

PART 205

EMISSIONS REDUCTION MARKET SYSTEM

SUBPART A: GENERAL PROVISIONS

Section

205.100 Severability

205.110 Purpose

205.120 Abbreviations and Acronyms

205.130 Definitions

205.150 Emissions Management Periods

SUBPART B: APPLICABILITY

Section

205.200 Participating Source

205.205 Exempt Source

205.210 New Participating Source

205.220 Insignificant Emissions Units or Activities

205.225 Startup, Malfunction or Breakdown

SUBPART C: OPERATIONAL IMPLEMENTATION

Section

205.300 Seasonal Emissions Component of the Annual Emissions Report

205.310 ERMS Applications

205.315 CAAPP Permits for ERMS Sources

205.318 Certification for Exempt CAAPP Sources

205.320 Baseline Emissions

205.330 Emissions Determination Methods

205.335 Sampling, Testing, Monitoring and Recordkeeping Practices

205.337 Changes in Emissions Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices

SUBPART D: SEASONAL EMISSIONS MANAGEMENT

Section

205.400 Seasonal Emissions Allotment

205.405 Exclusions from Further Reductions

205.410 Participating Source Shutdowns

SUBPART E: ALTERNATIVE ATU GENERATION

Section

205.500 Emissions Reduction Generator

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

205.510 Inter-Sector Transaction

SUBPART F: MARKET TRANSACTIONS

Section

205.600 ERMS Database

205.610 Application for Transaction Account

205.620 Account Officer

205.630 ATU Transaction Procedures

SUBPART G: PERFORMANCE ACCOUNTABILITY

Section

205.700 Compliance Accounting

205.710 Alternative Compliance Market Account (ACMA)

205.720 Emissions Excursion Compensation

205.730 Excursion Reporting

205.740 Enforcement Authority

205.750 Emergency Conditions

205.760 Market System Review Procedures

AUTHORITY: Implementing Section 9.8 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 and 28].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 205.100 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or of any Section, subsection, sentence or clause thereof not judged invalid.

Section 205.110 Purpose

The purpose of this Part is to implement the Emissions Reduction Market System (ERMS) regulatory program consistent with the assurances that are specified in Section 9.8 of the Environmental Protection Act [415 ILCS 5/9.8]. The ERMS is designed, as further specified in this Part, to achieve the following:

- a) Implement innovative and cost-effective strategies to attain the national ambient air quality standard (NAAQS) for ozone and to meet the requirements of the Clean Air Act;
- b) Increase flexibility for participating sources and lessen the economic impacts associated with implementation of the Clean Air Act;
- c) Take into account the findings of the national ozone transport assessment being coordinated by the Environmental Council of States

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

"Baseline emissions" means a participating source's VOM emissions for the seasonal allotment period based on historical operations, adjusted so that credit is allowed for voluntary VOM emissions reductions beyond reductions required by applicable requirements effective in 1996, as specified in Section 205.320 of this Part. Baseline emissions shall be the basis of the allotment for each participating source.

"Best available technology" or "BAT" means an emission level based on the maximum degree of reduction of VOM emitted from or which results from any emission unit, which the Agency, on a case-by-case basis, taking into account energy, environmental and economic impacts, determines is achievable for such unit through application of production processes and available methods, systems, and techniques for control of VOM, considering the features and production process and control methods, systems and techniques already used for the unit. In no event shall application of "best available technology" result in emissions of VOM which exceed the emissions allowed by any standard established pursuant to Section 111 of the Clean Air Act, if such a standard is applicable to the category of emission unit.

"CAAPP" means the Clean Air Act Permit Program, pursuant to Section 39.5 of the Act [415 ILCS 5/39.5].

"Chicago ozone nonattainment area" means the area composed of Cook, DuPage, Kane, Lake, McHenry, and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County.

"Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation.

"Emissions excursion" refers to the event that occurs when a participating source or new participating source does not hold sufficient ATUs at the end of a reconciliation period to account for its VOM emissions from the preceding seasonal allotment period, in accordance with Section 205.150(c) or (d) of this Subpart.

"Excursion Compensation Notice" means an administrative notice issued by the Agency, pursuant to Section 205.620 of this Part, that notifies the owner or operator of a participating source or new participating source that the Agency has determined that the source has had an emissions excursion.

"General participant" means any person, other than a participating source or new participating source, that obtains a Transaction Account

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

with participation by the United States Environmental Protection Agency and by the Lake Michigan Air Directors Consortium; and

d) Assume that stationary sources will not be required to reduce emissions to an extent that exceeds their proportionate share of the total emissions reductions required of all sectors, including mobile and area sources.

Section 205.120 Abbreviations and Acronyms

Unless otherwise specified within this Part, the abbreviations used in this Part shall be the same as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

ACMA	Alternative Compliance Market Account
Act	Environmental Protection Act [415 ILCS 5]
ATU	Allotment Trading Unit
CAA	Clean Air Act as amended in 1990 (42 U.S.C. 7401 et seq.)
CAAPP	Clean Air Act Permit Program
ERMS	Emissions Reduction Market System
LAER	Lowest Achievable Emission Rate
MACT	Maximum Achievable Control Technology
NAAQS	National Ambient Air Quality Standard
NESHAP	National Emission Standards for Hazardous Air Pollutants
RFP	Reasonable Further Progress
ROP	Rate of Progress
VOM	Volatile Organic Material

Section 205.130 Definitions

Unless otherwise specified within this Part, the definitions for the terms used in this Part shall be the same as those found in Section 39.5 of the Act and in 35 Ill. Adm. Code 211.

"Account officer" means a natural person who has been approved by the Agency, as specified in Section 205.520, and is subsequently responsible for one or more Transaction Accounts to which he or she is designated.

"Allotment" means the number of allotment trading units (ATUs) allotted to a source by the Agency, as established in the source's CAAPP permit.

"Allotment Trading Unit (ATU)" means a tradable unit that represents 200 lbs of VOM emissions and is a limited authorization to emit 200 lbs of VOM emissions during the seasonal allotment period.

"Annual Emissions Report" means the report submitted to the Agency annually pursuant to 35 Ill. Adm. Code 254.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

and is allowed to buy and sell ATUs.

"New participating source" means a source not operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has or will have seasonal emissions of at least 10 tons of VOM.

"Participating source" means a source operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999.

"Reconciliation period" means the period from October 1 through December 31 during which the owner or operator of a participating source or new participating source must compile actual VOM emissions for the previous seasonal allotment period and may also buy or sell ATUs so that sufficient ATUs are held by the source by the conclusion of the reconciliation period.

"Seasonal allotment period" means the period from May 1 through September 30 of each year.

"Seasonal emissions" means actual VOM emissions at a source that occur during a seasonal allotment period.

"Sell" means to transfer ATUs to another person through sale, lease, trade or other means of transfer.

"Special participant" means any person that registers with the Agency and is allowed to purchase and retire ATUs but not sell ATUs, as specified in Section 205.510 of this Part.

"Throughput" means the activity of an emission unit during a particular period relevant to its generation of VOM emissions, including, but not limited to, the amount of material transferred for a liquid storage operation, the amount of material processed through or produced by the emission unit, fuel usage, or the weight or volume of coatings or inks.

"Transaction Account" means an account authorized by the Agency or its designee that allows an account officer to buy or sell ATUs.

Section 205.150 Emissions Management Periods

- a) The VOM emissions control period is the seasonal allotment period, which is from May 1 through September 30, annually.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- b) The reconciliation period is from October 1 to December 31, annually. During each reconciliation period, participating sources and new participating sources shall:

- 1) Compile data of actual VOM emissions during the immediately preceding seasonal allotment period; and
- 2) Submit its seasonal emissions component of its Annual Emissions Report, in accordance with Section 205.300 of this Part.

- c) At the end of each reconciliation period on and after the dates specified in Section 205.200 of this Part, each participating source shall:

- 1) Hold ATUs in an amount not less than its VOM emissions during the preceding seasonal allotment period, except as provided in Sections 205.220, 205.225, 205.320(e)(3) or (4) and 205.650 of this Part; or
- 2) Hold ATUs in an amount not less than 1.3 times its seasonal emissions attributable to a major modification during the preceding seasonal allotment period, if a participating source commences operation of a major modification pursuant to 35 Ill. Adm. Code 203 after May 1, 1999. Additionally such source must hold ATUs in accordance with subsection (c)(1) of this Section for VOM emissions not attributable to this major modification during the preceding seasonal allotment period.

- d) At the end of each reconciliation period on and after the date on which the source commences operation, as specified in Section 205.210 of this Part, each new participating source shall:

- 1) If the new participating source is a new major source pursuant to 35 Ill. Adm. Code 203, hold ATUs in an amount not less than 1.3 times its VOM emissions during the preceding seasonal allotment period; or
- 2) If the new participating source is not a new major source pursuant to 35 Ill. Adm. Code 203, hold ATUs in an amount not less than its VOM emissions during the preceding seasonal allotment period, except as provided in Section 205.650 of this Part.

- e) Any participating source that commences operation of a major modification after May 1, 1999, or any new participating source that is a new major source, which, at the end of each reconciliation period, holds ATUs in an amount not less than 1.3 times the VOM emissions emitted by such new or attributable to this modified unit during the preceding seasonal allotment period, shall be deemed to have satisfied the offset requirements of 35 Ill. Adm. Code 203.302(a), 203.602 and 203.701.

SUBPART B: APPLICABILITY

Section 205.200 Participating Source

The requirements of this Part shall apply to any source operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

shall apply for the applicable permit limitation(s) by January 1, 1998. ATUs equivalent to any amount of VOM emissions reductions achieved by the source beyond 12 percent (at least six percent) shall be issued by the Agency to the ACMA.

Section 205.210 New Participating Source

The requirements of this Part shall apply to any new participating source, a source not operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has or will have seasonal emissions of at least 10 tons of VOM. Each new participating source shall hold ATUs, as specified in Section 205.150(d) of this Part, upon commencing operation.

Section 205.220 Insignificant Emissions Units or Activities

Emission units or activities identified as insignificant activities pursuant to the CAAPP permit for each participating source are exempt from the requirements of this Part.

Section 205.225 Startup, Malfunction or Breakdown

Participating sources permitted to operate during startup, malfunction or breakdown pursuant to 35 Ill. Adm. Code 201.262, 270.407 and 270.408 are not required to hold ATUs for excess VOM emission during startup, malfunction and breakdown as authorized in the source's permit.

SUBPART C: OPERATIONAL IMPLEMENTATION

Section 205.300 Seasonal Emissions Component of the Annual Emissions Report

- a) For each year in which the source is operational, the owner or operator of each participating source and new participating source shall submit, as a component of its Annual Emissions Report, seasonal emissions information to the Agency for each seasonal allotment period after the effective date of this Part in accordance with the following schedule:
 - 1) For each participating source or new participating source that generates VOM emissions from less than 10 emission units, by October 31 of each year; and
 - 2) For each participating source or new participating source that generates VOM emissions from 10 or more emission units or activities, by November 30 of each year.
- b) In addition to any information required pursuant to 35 Ill. Adm. Code 254, the seasonal emissions component of the Annual Emissions Report shall contain the following information for the preceding seasonal allotment period for each emission unit emitting or capable of emitting VOM, except that such information is not required for

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

obtain a CAAPP permit and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999. Each participating source shall hold ATUs, as specified in Section 205.150(c) of this Part, in accordance with the following schedule:

- a) For any participating source that has baseline emissions of at least 10 tons of VOM, as determined in accordance with Section 205.320(a) of this Part, beginning with the 1999 seasonal allotment period;
- b) For any source that first becomes a participating source because its VOM emissions increase to 10 tons per season or more in any seasonal allotment period beginning with 1999 and this emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203, beginning with the first seasonal allotment period after such increased emissions occurred; or
- c) For any source that will first be subject to the requirements of this Part because of a VOM emissions increase at any time after May 1, 1999 that constitutes a major modification pursuant to 35 Ill. Adm. Code 203, upon commencing operation of this modification.

Section 205.205 Exempt Source

- a) Any source that otherwise meets the criteria for participating sources shall be exempt from the requirements of this Part if the source accepts a 15 tons per seasonal allotment period limit on its VOM emissions in its CAAPP permit for each seasonal allotment period in which the source would be required to participate in the ERMS in accordance with the following:
 - 1) If the source would be required to participate in the ERMS beginning with the 1999 seasonal allotment period in accordance with Section 205.200(a) of this Subpart, such source shall apply for the applicable permit limitation by January 1, 1998; or
 - 2) If the source is required to participate in the ERMS in any seasonal allotment period after 1999 because its VOM emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999 in accordance with Section 205.200(b) of this Subpart, such source shall apply for the applicable permit limitation by December 1 of the first year in which its seasonal emissions are at least 10 tons.
- b) Any source that otherwise meets the criteria for participating sources shall be exempt from the requirements of this Part, except that any such source shall be required to submit the seasonal emissions component of the Annual Emissions Report and an ERMS application as specified in Sections 205.300 and 205.310(d) of this Part, respectively, if such source decides to reduce its seasonal emissions by at least 18 percent beginning in 1999. Any such source shall accept conditions in its CAAPP permit limiting its seasonal emissions to at least 18 percent less than its baseline emissions, as determined in accordance with Section 205.320 of this Part. Any such source

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

emission units or activities excluded pursuant to Section 205.220 of this Part or for VOM emissions attributable to startup, malfunction or breakdown, as specified in Section 205.225 of this Part:

- 1) Actual seasonal emissions of VOM from the source;
- 2) A description of the methods and practices used to determine VOM emissions, as required by the source's CAAPP permit, including any supporting documentation and calculations;
- 3) A detailed description of any monitoring methods that differ from the methods specified in the CAAPP permit for the source, as provided in Section 205.337 of this Subpart;
- 4) If a source has experienced an emergency, as provided in Section 205.650 of this Part, it shall reference the associated emergency conditions report that has been approved by the Agency;
- 5) If a source's baseline emissions have been adjusted because of a variance, consent order or CAAPP permit compliance schedule, as provided for in Section 205.320(e)(3) of this Part, it shall provide documentation quantifying the adjusted VOM emissions amount; and
- 6) If a source is operating a new or modified emission unit for which three years of operational data is not yet available, as specified in Section 205.320(f) of this Subpart, it shall specify seasonal emissions attributable to the new emission unit or the modification of the emission unit.

Section 205.310 ERMS Applications

- a) The owner or operator of each participating source or new participating source shall submit to the Agency an ERMS application in accordance with the following schedule:
 - 1) For a participating source with baseline emissions of at least 10 tons of VOM, as determined in accordance with Section 205.320(a) of this Subpart, by January 1, 1998;
 - 2) For any source that first becomes a participating source because its VOM emissions increase to 10 tons or greater during any seasonal allotment period beginning with 1999, on or before December 1 of the year of the first seasonal allotment period in which its VOM emissions are at least 10 tons, provided that this emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203; or
 - 3) For a new participating source or for a major modification of any source existing prior to May 1, 1999, that is subject to 35 Ill. Adm. Code 203 based on VOM emissions, at the time a construction permit application is submitted or due for the source or modification, whichever occurs first.
- b) Except as provided in subsection (d) of this Section, each ERMS application for participating sources shall contain all information required by the Agency pursuant to Section 39.5 of the Act or reference such information if previously submitted to the Agency,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

including the following information:

- 1) Data sufficient to establish the appropriate baseline emissions for the source in accordance with Section 205.320 of this Subpart, including but not limited to the following:
 - A) VOM emissions data and production types and levels from the baseline emissions year(s), as specified in Section 205.320(a)(1), (b) or (c) of this Subpart, as appropriate;
 - B) If the source is proposing a substitute baseline emissions year(s), as provided in Section 205.320(a)(2) of this Subpart, a justification that the year is more representative than 1994, 1995 or 1996, including data on production types and levels from the proposed substitute year(s) and historical production data, as needed to justify that the proposed substitute year(s) is representative; and
 - C) If the source is proposing a baseline emissions adjustment based on voluntary over-compliance, as provided in Section 205.320(d) of this Subpart, sufficient information for the Agency to determine the appropriate adjustment;
 - 2) A description of methods and practices used to determine baseline emissions and that will be used to determine seasonal emissions for purposes of demonstrating compliance with this Part, in accordance with Sections 205.330 and 205.335 of this Subpart;
 - 3) Identification of any emission unit for which exclusion from further reductions is sought pursuant to Section 205.405(b) of this Part and including all of the information required pursuant to Section 205.405(b) of this Part;
 - 4) Identification of any emission unit excluded from further reductions pursuant to Section 205.405(a) of this Part; and
 - 5) Identification of any new or modified emission unit for which a construction permit was issued prior to January 1, 1998, but for which three years of operational data is not available, and the permitted VOM emissions or the permitted increase in VOM emissions from such emission unit(s), adjusted for the seasonal allotment period.
- c) Except as provided in subsection (h) of this Section, the ERMS application submitted by each participating source shall also be an application for a significant modification of its CAAPP permit or a revision to its CAAPP application if a CAAPP permit has not yet been issued for the source.
- d) The ERMS application for any source that elects to reduce its seasonal emissions by at least 18 percent from its baseline emissions, as provided in Section 205.205(b) of this Part, shall include:
- 1) VOM emissions data sufficient to establish the appropriate baseline emissions for the source in accordance with Section 205.320 of this Subpart; and
 - 2) A description of methods and practices used to determine baseline emissions and that will be used to demonstrate that its seasonal emissions will be at least 18 percent less than its baseline

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

emissions, in accordance with Sections 205.330 and 205.335 of this Subpart.

- e) Within 120 days after receipt of an ERMS application, the Agency shall provide written notification to the source of a preliminary baseline emissions determination. Public notice of a draft CAAPP permit in accordance with Section 39.5(8) of the Act [415 ILCS 5/39.5(8)] shall fulfill this requirement for a preliminary baseline emissions determination if issued within 120 days.

- f) The ERMS application for each source applying for a major modification, as provided in subsection (a)(3) of this Section, shall include the information specified in subsection (b) of this Section and a certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(c)(2) of this Part, and provide a plan explaining the means by which it will obtain ATUs for the VOM emissions attributable to the major modification for the first three seasonal allotment periods in which this major modification is operational.

- g) The ERMS application for each new participating source shall include:

- 1) A description of methods and practices that will be used to determine seasonal emissions for purposes of demonstrating compliance with this Part, in accordance with Section 205.330 and 205.335 of this Subpart;
 - 2) A certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(d) of this Part for each seasonal allotment period in which it is operational; and
 - 3) If the source is a new major source subject to 35 Ill. Adm. Code 203, a plan explaining means by which it will obtain such ATUs for the first three seasonal allotment periods in which it is operational.
- h) The owner or operator of any participating source that has identified a new or modified emission unit, as specified in subsection (b)(5) of this Section, shall submit a written request, or an application for, a revised emissions baseline and allotment. Such written request or application shall be submitted by December 1 of the year of the third complete seasonal allotment period in which such newly constructed emission unit is operational, which submittal shall include information on the seasonal emissions for these first three seasonal allotment periods.

Section 205.315 CAAPP Permits for ERMS Sources

- a) The Agency shall determine the baseline emissions for each participating source in accordance with Section 205.320 of this Subpart, through its final permit action on a new or modified CAAPP permit for each such source. The Agency's baseline emissions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

determination may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2]. If the permit conditions establishing a source's baseline emissions is appealed, the baseline emissions for the source shall be as proposed in the source's ERMS application during the pendency of the appeal. During the pendency of the appeal, ATUs shall be allotted to the source pursuant to this baseline emissions amount, reduced in accordance with Section 205.400(c) of this Part, but such source shall not be allowed to sell or use the portion of the ATUs that are attributed to the part of the source's proposed baseline emissions that were denied by the Agency and are under review by the Board to meet its seasonal emissions. The allotted ATUs that are under review will expire two years after the date of the final decision which allows the source to use or sell the ATUs under appeal, instead of two years after the issuance as set forth at Section 205.400(b).

- b) The Agency shall determine, in accordance with Sections 205.330 and 205.335 of this Subpart, the methods and practices applicable to each participating source and new participating source to determine seasonal emissions through its final permit action on a new or modified CAAPP permit for each such source. The Agency's determination of the methods and practices applicable may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act.
- c) The Agency shall determine, in accordance with Section 205.405(b) of this Part, if an emission unit qualifies for exclusion from further reductions in its final permit action on a new or modified CAAPP permit for each such source. The Agency's determination may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act. If the permit conditions establishing the Agency's best available technology determination is appealed, ATUs shall be allotted to the source for any emission unit for which the Agency's best available technology (BAT) determination is being appealed without the emissions reduction otherwise required by Section 205.400(c) of this Part during the pendency of the appeal. The source however cannot sell or use the portion of the ATUs to meet its seasonal emissions that are attributed to the emission unit(s) that the source proposed as meeting BAT but were not accepted by the Agency as meeting BAT and are under review by the Board. The allotted ATUs that are under review will expire two years after the date of the final decision that determines that those emission units are using BAT instead of two years after the issuance as set forth at Section 205.400(b).
- d) The allotment for each participating source for each seasonal allotment period shall be specified in its CAAPP permit.
- e) To the extent possible, the Agency shall initiate the procedures of 35 Ill. Adm. Code 252, as required by Section 39.5 of the Act, by grouping the draft CAAPP permits and supporting documents for participating sources. Specifically, to the extent possible, the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Agency shall issue a joint public notice and hold a joint hearing, as appropriate, addressing participating sources for which a hearing is requested.

f) A permit for a participating source may be transferred from the current Permittee to another person in accordance with the following:

- 1) In the case of a name change of the participating source where ownership is not altered, appropriate documentation shall be submitted to revise the Transaction Account to reflect the name change; or

- 2) In the case of an ownership change of the participating source, the allotment shall also be transferred by the owner or operator of the permitted source to the new owner or operator, or the new owner or operator shall submit a statement to the Agency certifying that such transfer is not occurring and demonstrating that necessary ATUs are or will be available by other means for the intended operation of the source.

g) Upon reopening or renewal of the CAAPP permit for any participating source or new participating source, any multiple season transfer agreement, as provided in Section 205.630(a)(2)(B) of this Part, that has three or more years of transfers remaining shall be identified in the renewed or reissued CAAPP permit for each such source.

h) Upon reopening or renewal of the CAAPP permit for any participating source or new participating source, any ATUs that will be issued by the Agency for three years or more to any such source pursuant to Section 205.410, 205.500 or 205.510 of this Part shall be identified in the renewed or reissued CAAPP permit for each such source.

Section 205.318 Certification for Exempt CAAPP Sources

The owner or operator of any source that is located in the Chicago ozone nonattainment area that is required to obtain a CAAPP permit, and has seasonal emissions, as determined in accordance with Section 205.320(a) of this Subpart, of less than 10 tons shall submit a written certification to the Agency by January 1, 1998, certifying that its VOM emissions are below 10 tons per season as specified in Section 205.320(a) of this Subpart. Such certification shall include the amount of VOM emissions at the source during the 1994, 1995, 1996 and 1997 seasonal allotment periods, and supporting calculations.

Section 205.320 Baseline Emissions

a) Except as provided in subsection (b) or (c) of this Section, baseline emissions shall be determined by the Agency in accordance with the following, adjusted as specified in subsections (d), (e) and (f) of this Section:

- 1) Baseline emissions shall be calculated using the average of the two seasonal allotment periods with the highest VOM emissions during 1994, 1995, or 1996.
- 2) Any source may substitute seasonal emissions on a year-for-year

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

basis due to non-representative conditions in 1994, 1995, or 1996, but must stay within the period from 1990 through 1997, and must have accurate seasonal emissions data for the substitute year(s).

- b) For any source that has seasonal emissions of less than 10 tons, as determined in accordance with subsection (a) of this Section, but becomes a participating source because its seasonal emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999, baseline emissions shall be determined by the Agency based on actual VOM emissions from the first seasonal allotment period in which the sources emissions exceeded 10 tons, adjusted as specified in subsections (d), (e) and (f) of this Section, provided such emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203.

- c) For any source that has seasonal emissions of less than 10 tons, as determined in accordance with subsection (a) of this Section, but becomes a participating source because its seasonal emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999 and this emissions increase constitutes a major modification pursuant to 35 Ill. Adm. Code 203, baseline emissions shall be determined by the agency based on the average of the actual seasonal emissions from the two seasonal periods prior to a timely submittal of its application for the major modification, adjusted as specified in subsections (d) and (e) of this Section. Any such source may substitute seasonal emissions on a year-for-year basis due to non-representative conditions in either of the two seasonal allotment periods prior to submittal of its application for the major modification but must stay within the five year period prior to submittal of such application.

- d) The baseline emissions of any participating source shall be increased for voluntary over-compliance that occurred after September 30, 1990 and results in a VOM emissions level that is lower than the level required by applicable requirements effective in 1996, including limitations in the source's permit(s) based on such applicable requirements. Voluntary over-compliance shall be determined in accordance with the following:

- 1) Determine the actual activity or production types and levels from the seasonal allotment period(s) selected for baseline emissions pursuant to subsection (a), (b) or (c) of this Section;
- 2) Determine seasonal emissions for each emission unit or process as the product of the amount of activity or production, as determined in accordance with subsection (d)(1) of this Section, and the actual emissions level;
- 3) Determine seasonal emissions for each emission unit or process as the product of the amount of activity or production, as determined in accordance with subsection (d)(1) of this Section, and the allowable emissions level pursuant to all applicable requirements effective through 1996, including limitations in the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

source's permit(s) based on such applicable requirements; and

4) Determine the appropriate adjustment to baseline emissions by subtracting the seasonal emissions determined pursuant to subsection (d)(2) of this Section from the seasonal emissions determined pursuant to subsection (d)(3) of this Section.

e) The baseline emissions of any participating source shall be decreased if any of the following circumstances exist:

- 1) If a source is out of compliance with any applicable requirements, including limitations in the source's permit(s) based on such applicable requirements, in any of the seasonal allotment periods used for baseline emissions, its baseline emissions shall be lowered to reflect the amount of VOM emissions that would be achieved if in compliance with such requirements.
- 2) If any of the seasonal allotment periods selected for baseline emissions do not reflect compliance with requirements effective through 1996 that became applicable after any of the years selected as baseline years, the source's baseline emissions shall be lowered to reflect the amount of VOM emissions that would be achieved if in compliance with such requirements.
- 3) If, in any of the years selected for baseline emissions, a source's VOM emissions are in excess of the amount of VOM emissions allowed by applicable rules because it has been granted a variance, has entered into a consent order, or is operating pursuant to a CAAPP permit compliance schedule, the baseline emissions for such source shall be lowered to reflect the VOM emissions amount that would be achieved if in compliance with such requirements, subject to the following:
 - A) Each such source shall be allowed to emit VOM emissions in excess of the ATUs it holds at the end of the reconciliation period each year until compliance with the applicable regulation is achieved, or upon expiration of the relief allowed for in the variance, consent order or CAAPP permit compliance schedule, whichever occurs first;
 - B) Such excess VOM emissions shall be allowed to the extent that the amount of actual VOM emissions for the seasonal allotment period are in an amount not greater than the difference between the source's actual emissions, to the extent allowed in the variance, consent order or CAAPP permit compliance schedule, and the amount of VOM emissions that would be emitted if in full compliance; and
 - C) The seasonal component of the Annual Emissions Report for each such source shall be adjusted each year until compliance with the applicable requirement(s) is achieved, or upon expiration of the relief allowed for in the variance, consent order or CAAPP permit compliance schedule, whichever occurs first, as specified in subsection (e)(3)(B) of this Section.

4) For any participating source that operated with excess emissions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

during startup, malfunction or breakdown during any year used to determine its baseline emissions, whether or not such operation was authorized pursuant to the source's permit, excess VOM emissions attributable to startup, malfunction or breakdown shall be excluded from the baseline emissions.

f) For new or modified emission units at a source for which a construction permit was issued prior to January 1, 1998, but for which three years of operational data is not available, the baseline emissions determination for the source shall include VOM emissions from such new emission unit or the increase in emissions from the modification of such emission unit based on the two seasonal allotment periods with the highest VOM emissions from the first three complete seasonal allotment periods in which any such new or modified emission unit is operational. ATUs shall only be issued in accordance with this subsection after the baseline emissions has been determined. Any such source shall not be required to hold ATUs for VOM emissions attributable to the new emission unit or the modification of the existing emission unit for the first three complete seasonal allotment periods in which it is operational.

g) For any source which acquired emission reduction credits pursuant to a written agreement, entered into prior to January 1, 1998 and such emission reduction credits were acquired for use as emissions offsets, in accordance with 35 Ill. Adm. Code 203, such emission reduction credits, adjusted for the seasonal allotment period, and reduced by 24 percent, shall be included in the baseline emissions determination for the source, only to the extent that:

- 1) The Agency has issued a federally enforceable permit, prior to January 1, 1998, to the source from which the emission reduction credits were acquired, and such federally enforceable permit recognized the creation of the VOM emission reduction credits by the cessation of all VOM-emitting activities and the withdrawal of the operating permits for VOM-emitting activities at such other sources; and
- 2) The Agency has not relied upon the emission reduction credits for attainment demonstration purposes.

Section 205.330 Emissions Determination Methods

The owner or operator of a participating source or new participating source shall determine VOM emissions from the source during the seasonal allotment period using methods as necessary to demonstrate compliance with this Part. Such methods shall be, at a minimum, as stringent as those required by any applicable requirement and any permit condition. The Agency shall establish the emissions determination methods applicable to each such source in the source's CAAPP permit. The following methods, in conjunction with relevant source-specific throughput and operating data, are acceptable methods a source may use to determine seasonal emissions, depending on the type of emission unit:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- a) Material balance calculation, based on the VOM content of raw materials and recovered materials, as is typically used for degreasers, coating lines, and printing lines equipped with a carbon adsorption system (recovery-type control device) or without any control device;
- b) A standard engineering formula for estimation of emissions, as is typically used for storage and transfer of volatile organic liquids;
- c) A source-specific emission factor(s), based on representative testing and sampling data and appropriate analysis, as typically used for petroleum refining processes;
- d) A published USEPA emission factor(s), as is typically used for component leaks;
- e) A source-specific emission rate or VOM control efficiency, based on representative testing, as is typically used for chemical processes and afterburners (destruction-type control device), respectively;
- f) A method not listed above that is sufficient to demonstrate compliance with this Section; or
- g) An appropriate combination of the above methods, as typically used for a coating or printing line equipped with a control device, where the available emissions are determined by material balance and the control efficiency is determined by representative testing.

Section 205.335 Sampling, Testing, Monitoring and Recordkeeping Practices

The owner or operator of a participating source or new participating source shall conduct sampling, perform testing, conduct monitoring and maintain records as needed to support its method for determining seasonal emissions in accordance with Section 205.330 of this Subpart and to demonstrate compliance with this Part. Such sampling, testing, monitoring and recordkeeping shall be, at a minimum, as stringent as that required by any applicable requirement and any permit condition. The Agency shall establish the practices applicable to each such source in the source's CAAPP permit.

Section 205.337 Changes in Emission Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices

- a) The methods used for determining seasonal emissions from a source shall generally be consistent with the methods used to determine its baseline emissions unless the source's permit accommodates the use of alternate methods to determine VOM emissions.
- b) Modification of Methods and Practices
 - 1) If a source proposes new or revised methods to determine VOM emissions or new or revised supporting practices for sampling, testing, monitoring or recordkeeping that differ significantly from the methods and practices specified by its current permit, the source shall obtain a revised permit in accordance with the procedures specified in Section 39.5 of the Act, prior to relying on such methods and practices.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 2) The Agency shall issue a revised permit if it finds, based upon submission of an appropriate permit application, that the proposed methods or practices are needed or appropriate to address changes in the operation of the source or emission units that were not considered when the current permit was issued, that the proposed methods and procedures will not significantly affect the determination of actual seasonal emissions, or that the proposed methods and procedures incorporate new or improved analytical techniques or estimation methods that will increase the accuracy with which actual seasonal emissions are determined, and other applicable requirements for issuance of a revised permit are met.
- 3) If the Agency approves the use of a modified method or practice, the Agency is authorized to determine a corrected baseline and thereafter issue ATUs pursuant to this corrected baseline.

SUBPART D: SEASONAL EMISSIONS MANAGEMENT

Section 205.400 Seasonal Emissions Allotment

- a) Each participating source shall receive an allotment which shall be issued by the Agency and distributed in ATUs.
- b) Except for ATUs issued pursuant to Sections 205.315(a) and (c), 205.500 and 205.510, ATUs issued for any seasonal allotment period are valid for use during the seasonal allotment period following issuance and the next succeeding seasonal allotment period. All ATUs shall be valid until such ATUs expire or are retired.
- c) The initial allotment for each participating source shall be based on the baseline emissions for such source, as determined in accordance with Section 205.320 of this Part, and shall be reduced by 12 percent in 1999 or in such other year that a source is issued its initial allotment, except as provided in Section 205.405 of this Subpart.
- d) Except as provided in Section 205.337(b)(3) of this Part and subsections (c) and (e) of this Section, allotments shall remain at 1999 or initial levels unless the Agency makes a demonstration to the Board that further reductions are needed in accordance with the rulemaking provisions of Sections 9.8, 27 and 28 of the Act.
- e) If the baseline emissions for any participating source is revised in accordance with Section 205.320(f) of this Part, the allotment shall be increased by the modified portion of the baseline emissions amount, reduced by 12 percent, except as provided in Section 205.405 of this Part.
- f) Except as provided in subsection (h) of this Section, any new participating source shall not be issued ATUs by the Agency, but shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(d) of this Part for each seasonal allotment period in which it is operational.
- g) Any source existing as of May 1, 1999, which first becomes subject to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

the requirements of this Part because its seasonal emissions increase to more than 10 tons as a result of a major modification pursuant to 35 Ill. Adm. Code 203, in any seasonal allotment period beginning with 1999, shall not be allotted ATUs by the Agency for the VOM emissions attributable to this modification, except as provided in subsection (h) of this Section, but shall be allotted ATUs by the Agency based on its baseline emissions, as determined in accordance with Section 205.320 of this Part. Any such participating source shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(c) of this Part, for each seasonal allotment period in which it is subject to this Part.

- h) If a participating source or new participating source submits an ATU transfer agreement authorizing the transfer of ATUs for more than one year, as provided in Section 205.630(a)(2)(B) of this Part, the ATUs shall be automatically transferred by the Agency from the transferor's Transaction Account to the transferee's Transaction Account. Upon reopening or renewal of the CAAPP permit for any such source, any multiple season transfer agreement that has three or more years of transfers remaining shall be identified in the renewed or reissued CAAPP permit for each such source.

Section 205.405 Exclusions from Further Reductions

- a) VOM emissions from the following emission units or activities shall be excluded from the VOM emissions reductions requirement specified in Section 205.400(c) and (e) of this Subpart:
 - 1) Emission units or activities that comply with any NESHAP or MACT standard promulgated pursuant to the CAA;
 - 2) Direct combustion emission units designed and used for comfort heating purposes, fuel combustion emission units and internal combustion engines; and
 - 3) An emission unit for which a LAER demonstration has been approved by the Agency on or after November 15, 1990.
- b) When it is determined that an emission unit in operation prior to 1999 is using the best available technology for controlling VOM emissions, VOM emissions from such emission units shall not be subject to the VOM emissions reductions requirement specified in Section 205.400(c) or (e) of this Subpart. The owner or operator of a source may request such exclusion from further reductions by providing the following information, in addition to the information required in Section 205.310 of this Part, in its ERMS application:
 - 1) Identification of each emission unit for which exclusion is requested, including the year of initial operation of such emission unit;
 - 2) Identification of all requirements applicable to the emission unit;
 - 3) A demonstration that the emission unit is using the best available technology for controlling VOM emissions;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 4) Identification of the permitted VOM emissions from the emission unit;
 - 5) VOM emissions from the emission unit for each seasonal allotment period used in the baseline emissions determination for the source; and
 - 6) A description and quantification of any reductions in VOM emissions that were achieved at the emission unit or source based on its use of the best available technology.
- c) As part of its review of an ERMS application or application for a modified allotment, the Agency may determine that any such emission unit qualifies for exclusion from further reductions. The Agency shall make its proposed determination in a draft CAAPP permit subject to public notice and participation, accompanied by an explanation of its proposed action.

Section 205.410 Participating Source Shutdowns

- a) If a participating source shuts down all operations at the source, and withdraws its permit or its permit is revoked or terminates, allotments issued to such a source for each seasonal allotment period after the shutdown occurred, except as provided in subsection (d), shall be subject to the following:
 - 1) 80 percent of all such ATUs shall continue to be allotted to the owner or operator of such source or its duly authorized recipient; and
 - 2) 20 percent of all such ATUs shall be issued to the ACMA.
- b) Except as provided in subsection (c) of this Section, the owner or operator of any participating source that shuts down all operations and withdraws its CAAPP permit shall submit a written request to have its status changed to a general participant, upon withdrawal, revocation or termination of its permit.
- c) The owner or operator of any participating source that shuts down all operations may authorize the issuance of future ATUs to the Transaction Account of another participating source, new participating source or general participant by submitting a transfer agreement authorizing a permanent transfer of all future ATUs. The CAAPP permit of any participating source or new participating source designated to receive future allotments of ATUs pursuant to such a transfer agreement shall be modified to reflect this transfer upon reopening or renewal.
- d) The consolidation of operations of two or more participating sources shall not be considered a source shutdown for the source that withdraws its permit or its permit is revoked or terminates if the participating sources are under common control of the same persons or persons under common control. In the event of such a consolidation, 100 percent of the participating source's allotment of ATUs shall be transferred to the participating source that remains in operation. The transfer of the ATUs, pursuant to this subsection, shall be done

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

pursuant to subsection (c) of this Section.

SUBPART E: ALTERNATIVE ATU GENERATION

Section 205.500 Emissions Reduction Generator

Any participating source, new participating source or general participant may submit a proposal for issuance of ATUs to it based on VOM emissions reductions, as specified in subsection (a) of this Section, achieved by any source or group of sources with an operating permit(s) other than a participating source or new participating source. The owner or operator of each source from which the VOM emissions reductions have been or will be achieved shall certify its acceptance of the terms of the proposal and that it has achieved or will achieve the emissions reductions specified in the proposal. An emissions reduction generator may apply for a modification to its operating permit to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable.

a) ATUs will only be issued pursuant to this Section if based on actual VOM emissions reductions that meet one or more of the following:

- 1) If, based on the same actual production rate, VOM emissions at the source for any seasonal allotment period beginning in 1999 are or will be lower due to the use of technology or materials at the source than if operating at the same production rate at the emissions level allowed by applicable requirements effective in 1996 or any requirements included in the State Implementation Plan, provided such reductions occurred after 1990;
- 2) The source shuts down a portion or all of its operation(s) after 1996 and withdraws the relevant operating permit(s), provided the VOM emissions from the shut down activity or activities will not be distributed elsewhere within the Chicago ozone nonattainment area; or
- 3) The source(s) curtails its seasonal production activity resulting in an actual reduction in VOM emissions during any seasonal allotment period beginning in 1999, provided the VOM emissions from the curtailment will not be distributed elsewhere within the Chicago nonattainment area. Such emissions reduction shall be based on the difference between the average production level for the two seasonal allotment periods prior to the year of curtailment and the curtailed production level, calculated at the VOM emission rate allowed by applicable requirements effective in 1996.
- b) If any proposal is based on a shut down of operations, as specified in subsection (a)(2) of this Section, that results in seasonal emissions reductions of 10 tons or more, 20 percent of ATUs issued based on such an emissions reduction generator proposal shall be allocated to the ACMA.
- c) Any proposal based on seasonal emissions reductions of 10 tons or more and the Agency's approval thereof shall be subject to the public

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

notice requirements of Section 39.5 of the Act.

d) Any proposal submitted shall include the following:

- 1) Information identifying the source(s) from which the VOM emissions reductions has been or will be achieved and its owner or operator;
 - 2) An explanation of the method used to achieve the VOM emissions reductions;
 - 3) Relevant information describing the nature of the underlying activity that generated the VOM emissions and the relationship of the units at which the VOM emissions reduction occurred to other units or sources performing the same or related activity in the Chicago ozone nonattainment area, if the VOM emissions reduction is attributable to a partial or complete source shutdown or a production curtailment, as specified in subsection (a)(2) or (a)(3) of this Section, respectively;
 - 4) The amount of VOM emissions for the two seasonal allotment periods prior to the year(s) of curtailment, including supporting calculations, if the VOM emissions reduction is attributable to a production curtailment as specified in subsection (a)(3) of this Section;
 - 5) The amount of the VOM emissions reduction, including supporting calculations and documentation, such as material usage information;
 - 6) The name and address of the participating source(s), new participating source(s) or general participant(s) to which ATUs will be issued, including the name and telephone number of the account officer for such source or participant; and
 - 7) The owner or operator of each proposed emission reduction generator shall certify its acceptance of the terms of the proposal and certify that it has achieved or will achieve the emissions reductions specified in the proposal.
- e) The owner or operator of any emissions reduction generator may modify its operating permit to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable.
- f) If the emissions reduction generator does not modify its permit, as specified in subsection (e) of this Section, or experiences a shutdown, as specified in subsection (a)(2) of this Section, and the proposal is submitted prior to the availability of actual VOM emissions data from the relevant seasonal allotment period, the Agency shall determine if the proposal is acceptable on a preliminary basis and provide notification of this determination. The Agency shall not issue final approval, in accordance with subsection (g) of this Section, of any such proposal until the actual VOM emissions data is submitted.
- g) The Agency shall notify the applicant in writing of its final decision with respect to the proposal within 45 days after receipt of such proposal or receipt of VOM

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

emissions data to verify that the specified reductions occurred, whichever occurs later. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal. The Agency's determination as to the approvability of any proposal submitted pursuant to this Section is subject to review by the Board as provided at 35 Ill. Adm. Code 105.102, provided the proposed emissions reduction generator is not requesting a permit revision. If such a permit revision is requested, the applicable permit review and appeal procedures shall apply.

h) If the Agency deems that the proposal is sufficient to receive final approval, the Agency shall issue ATUs in accordance with the following:

- 1) Any ATUs issued pursuant to this subsection shall be issued to the participating source(s), new participating source(s) or general participant identified in the proposal;
- 2) If the emissions reduction generator modifies its operating permit as specified in subsection (e) of this Section, to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable, ATUs shall be issued on the date such source is required to comply with the limitations in the permit and for each seasonal allotment period thereafter in which the VOM emissions reductions are required by the source's permit;
- 3) If the proposal is based on a partial or complete shut down, as specified in subsection (a)(2) of this Section, ATUs shall be issued before the seasonal allotment period for each year specified in the proposal;
- 4) If the emissions reduction generator does not modify its permit and the proposal is submitted prior to the availability of actual VOM emissions data from the relevant seasonal allotment period(s), the Agency shall issue ATUs upon final approval which shall occur after actual VOM emissions data is evaluated for the relevant seasonal allotment period;
- 5) If the emissions reduction generator includes information on actual VOM emissions reductions during the seasonal allotment period for which ATUs are sought, ATUs will be issued by the Agency upon final approval of the proposal;
- 6) Except as provided in subsection (h)(7) of this Section, ATUs issued pursuant to this subsection shall only be valid for the seasonal allotment period in which the emissions reductions were achieved; and
- 7) If the VOM emissions reductions specified in a proposal are incorporated into the emissions reduction generator's permit or, if the emissions reduction generator shuts down all or a portion of its operations and withdraws all relevant operating permits, ATUs issued shall be valid for the seasonal allotment period following issuance and for the next seasonal allotment period.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Section 205.510 Inter-Sector Transaction

Any person may submit a proposal to the Agency to have ATUs issued to the Transaction Account of a participating source, new participating source or general participant equivalent to VOM emissions reductions from mobile sources or area sources. Any such proposal for the VOM emissions reduction project is subject to Agency review and approval, shall be consistent with laws and regulations and shall include all supporting documentation. The Agency shall review all such proposals in accordance with the following:

a) Regulatory Based Proposal

If the VOM emission reductions that have been generated or will be generated are pursuant to a regulation that provides the procedure to determine VOM emissions reductions and allows for such reductions to be converted to ATUs, the Agency shall approve the proposal if based on the provisions of the applicable regulation. The Agency shall approve, conditionally approve or deny any complete and adequately supported proposal within 45 days after the Agency's receipt thereof by sending written notification of its decision. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal.

b) Other proposals

If the proposal is based on VOM emissions reductions that have been generated or will be generated which are beyond VOM emissions reductions required by any mandatory applicable rules, the proposal shall include an explanation of the method(s) used to achieve the VOM emissions reductions and the method(s) used to quantify the VOM emissions reductions, including supporting documentation and calculations. The Agency shall evaluate the validity of VOM emission reductions that allegedly were generated or will be generated and approve, conditionally approve or deny any complete proposal within 90 days after the Agency's receipt by sending written notification of its decision to the source. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal.

No ATUs shall be issued based on mobile or area source VOM emissions reductions unless a proposal, in accordance with this Section, has been approved by the Agency.

d) All ATUs issued pursuant to a proposal approved pursuant to this Section shall be issued to the Transaction Account identified in the proposal.

e) The Agency's determination that a proposal submitted pursuant to this Section is denied or conditionally approved is subject to review by the Board as provided at 35 Ill. Adm. Code 105.102.

SUBPART F: MARKET TRANSACTIONS

Section 205.600 ERMS Database

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- a) The Agency or its designee shall maintain a bulletin board that shall be available for public access on which a listing of the status of ATUs will be posted. Other public information and notices will also be posted and participating sources, new participating sources and general participants may post ATUs available for purchase or wanted for purchase. The bulletin board shall include the following information on ATUs:

- 1) Date issued and source issued to;
 - 2) Where applicable, date transferred and source or person transferred to;
 - 3) Status of ATUs in each account, i.e., available for use, or date retired or date expired; and
 - 4) Posted each week during the reconciliation period and no less than monthly at all other times and the average price paid for ATUs transferred the previous week or the previous month, as appropriate.
- b) The Agency or its designee shall maintain a Transaction Account database. Information contained on this database shall be considered the official record of the ERMS. Account officer(s) may request status updates for accounts for which they are designated. The database shall include information on all ATUs held in each account.
- c) The Agency or its designee shall separately maintain a listing of all ATUs expired or retired within the most recent five years, including the date of expiration or retirement.

Section 205.610 Application for Transaction Account

- a) Each participating source, new participating source and general participant shall apply for and obtain authorization for a Transaction Account from the Agency prior to conducting any market transactions. Each participating source shall submit to the Agency its completed application for a Transaction Account no later than 30 days prior to the beginning of the first seasonal allotment period in which the source is required to participate. Each new participating source shall submit to the Agency its completed application for a Transaction Account no later than 30 days prior to the beginning of the first seasonal allotment period in which it is operational.
- b) Each Transaction Account application shall include the following information:
- 1) The name and address of the participating source, new participating source or general participant, and the name and address of its owner or operator;
 - 2) The names and addresses of all designated account officers;
 - 3) The certification specified in Section 205.620(a)(5) of this Subpart signed by each account officer; and
 - 4) For a participating source or new participating source, identification of the CAAPP permit number for the source.
- c) Special Participants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Any person may purchase ATUs to retire for air quality benefit only. Such person shall be a special participant and shall register with the Agency prior to its first ATU purchase. Special participants will not have Transaction Accounts in the Transaction Account database. All ATUs purchased by special participants will be retired effective on the date of purchase and will be listed as retired in the appropriate database.

- d) Special participants will be given a registration number by the Agency so that their purchases of ATUs can be recorded.

Section 205.620 Account Officer

- a) Each participating source, new participating source or general participant must have an account officer designated for each of its Transaction Accounts. The account officer shall be the only person authorized to make ATU transactions involving such designated Transaction Account. At least one account officer must certify each official document that pertains to a designated Transaction Account or associated market transactions. Account officers may be employees or contractors of participating sources, new participating sources or general participants. No participating source, new participating source or general participant may engage in ATU transactions if it does not have an account officer approved by the Agency. Each account officer shall satisfy all of the following:

- 1) Be at least 18 years of age;
- 2) Be an American citizen or a legal alien;
- 3) Have not been convicted of or had a final judgment entered against him or her in any State or federal court for a violation of State or federal air pollution laws or regulations, or for fraud;
- 4) Be scheduled to attend the next scheduled training program or has already completed the program; and
- 5) Certify to the following statement as a part of the relevant Transaction Account application:

I certify that I satisfy all of the requirements for an account officer. I am aware that I may be disqualified from acting as an account officer in the State of Illinois, pursuant to this Part, if any information submitted in this application is determined to be false or misleading.

- b) Account Officer Training Program

Except as provided in subsection (d) of this Section, each applicant must satisfactorily complete the training program for account officers conducted by the Agency or its designee prior to acting as an account officer.

- 1) To attend the account officer training program, a person must enroll with the Agency prior to the date for the next scheduled training program.
- 2) The training program shall cover, at a minimum, the following

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

- . the account officers for each Transaction Account will be notified of this transfer;
- 3) No transfer shall be considered official for purposes of the ERMS until entered into the Transaction Account database;
 - 4) The Agency or its designee shall enter ATU transfers into the Transaction Account database within one week of the Agency receiving notification of a duly authorized ATU transfer; and
 - 5) Any ATU transfer agreements entered into after December 31 of a given year may not be used by the buyer to cover emissions from the preceding seasonal allotment period, but may only be used prospectively.
- b) The account officers involved in ATU transfers shall report the purchase price for all ATU transfers to the Agency or its designee and shall indicate whether consideration other than the purchase price reported was involved in the transfer.
- c) Transaction Requirements
- 1) Expired or retired ATUs may not be bought or sold;
 - 2) The Transaction Account database must show ATUs proposed for transfer as being held by the selling entity. After such transfer is official as specified in subsection (a)(3) of this Section, the transferee's Transaction Account will show the ATUs subject to such transfer as being held in this Transaction Account;
 - 3) The minimum sale allowed under the ERMS shall be one ATU; and
 - 4) No sale may include partial ATUs.
- d) Official Record of Transactions
- 1) The official record of all ATU transactions and the current status of all ATUs shall be the Transaction Account database.
 - 2) Account officers shall be allowed to inspect their Transaction Account(s) in the Transaction Account database. Any discrepancies found by the account officer shall be reported to the Agency or its designee along with a request for correction. All data supporting such request shall be sent along with the request for correction. A request for correction may not be used to alter an allotment.
 - 3) After the end of each reconciliation period, the Agency shall retire ATUs in the Transaction Account of each participating source or new participating source in the amount specified in Section 205.150(c) or (d) of this Part. If the source does not have sufficient ATUs in its Transaction Account to account for its VOM emissions from the preceding seasonal allotment period, the source shall be subject to emissions excursion compensation in accordance with Section 205.730 of this Part. ATUs shall be retired in order of issuance, unless the account officer for the Transaction Account notifies the Agency in writing to specify which ATUs in the Transaction Account should be retired.

SUBPART G: PERFORMANCE ACCOUNTABILITY

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

- topics: an overview of the ERMS, forms for the ERMS, market transaction procedures, and operation of the ERMS Databases.
- 3) The account officer training program will be offered at least once annually, and may be offered more frequently, depending upon demand. The Agency or its designee shall publish advance notice of the time, date and location for each training program.
- c) Disclaimer
- The Agency and the State of Illinois do not endorse or guarantee the conduct or quality of work by account officers who have been approved by the Agency, nor does it endorse or guarantee the validity of any representations or ERMS market transactions offered or made by account officers who have been approved by the Agency.
- d) Expedited Approval of Account Officer
- In the event that an account officer unexpectedly leaves that position, the participating source, new participating source or general participant may request permission from the Agency to allow for a new account officer for up to one year, provided the participating source, new participating source or general participant submits a written certification in accordance with subsection (a)(5) of this Section and affirms that the candidate for expedited approval by the Agency shall complete the training program, in accordance with subsection (b) of this Section, no later than one year from the date the expedited approval is requested.

Section 205.630 ATU Transaction Procedures

Recognized sales and purchases of ATUs may be made between any two Transaction Accounts or from a Transaction Account to the ACMA. A sale of ATUs may also be made from a Transaction Account to a special participant. No sale of ATUs shall be recognized from a special participant to any other person.

- a) Transfer of ATUs shall be subject to the following requirements:
- 1) Transfers between Transaction Accounts may only be made by the account officers for both accounts;
 - 2) All ATU transfers shall be duly authorized by the account officers for both Transaction Accounts, or, if the ATUs are being transferred to a special participant, the account officer of the Transaction Account of the transferor and a representative of the special participant;

- A) Duly authorized ATU transfers shall identify the ATU(s) involved in the transaction;
- B) Written ATU transfer agreements signed by the account officers for both Transaction Accounts may authorize the transfer of ATUs for more than one season. If a transfer agreement authorizes the future transfer of ATUs for any season for which ATUs have not yet been issued for use, the ATUs shall be automatically transferred to the buyer's Transaction Account for each year such transfer is authorized pursuant to the transfer agreement, in which case

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Section 205.700 Compliance Accounting

- a) The owner or operator of each participating source or new participating source shall maintain and retain for five years at the source or at another location agreed to by the Agency, in conjunction with the records it maintains to demonstrate compliance with its CAAPP permit, all of the following documents as its compliance master file:
 - 1) A copy of its seasonal component of its Annual Emissions Report;
 - 2) Information on actual VOM emissions, as recorded in accordance with Section 205.335 of this Part, and as required by the CAAPP permit for the source; and
 - 3) Copies of any transfer agreements for the purchase or sale of ATUs and other documentation associated with the transfer of ATUs.
- b) Compliance Master File Review
 - 1) The owner or operator of each participating source or new participating source shall allow the Agency or an authorized representative to enter and inspect the premises in accordance with Section 39.5(7)(ii) [415 ILCS 5/39.5(7)(ii)] of the Act and to review its compliance master file.
 - 2) After the conclusion of each compliance master file review, a report shall be prepared by the Agency and issued to the inspected source that includes the following information:
 - A) An identification of any noncompliance with the requirements of this Part; and
 - B) An evaluation of increases and decreases in emissions of VOMs that are also hazardous air pollutants, as related to ATU transactions.
 - 3) Nothing in this Part shall affect any other obligations of a source to allow inspection(s) under State or federal laws or regulations.

Section 205.710 Alternative Compliance Market Account (ACMA)

- a) The Agency or its designee shall operate the ACMA. The purpose of the ACMA is to serve as a secondary source of ATUs that may be purchased by participating sources and new participating sources, as specified in this Section.
- b) The ATUs in the ACMA will have an indefinite life so long as they remain in the ACMA, but, once purchased, must be used either for the preceding or next seasonal allotment period. If these ATUs are not used for compliance in that seasonal allotment period, they will expire.
- c) ATUs in an amount equal to one percent of each year's allotment shall be issued to the ACMA, beginning in 1999. In addition, ATUs shall be deposited into the ACMA due to source shutdowns, as specified in Sections 205.410(a) and 205.500(b) of this Part. ATUs for the ACMA may also be obtained by the Agency in the following ways:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 1) The Agency or its designee is authorized to accept voluntary contributions of ATUs from participating sources or other persons for deposit into the ACMA.
- 2) The Agency is authorized to deposit ATUs from its purchase of ATUs or to deposit ATUs created from emissions reductions it generates beyond reductions otherwise required by statute or regulation for attainment of the NAAQS for ozone.
- d) Regular Access to ACMA
 - 1) Regular access to the ACMA shall be available when there is sufficient positive balance of ATUs to supply the requesting source. Any participating source or new participating source may apply to the Agency during the reconciliation period for regular access to the ACMA to purchase ATUs for the preceding seasonal allotment period.
 - 2) Within 15 days after receipt of any request for regular access to the ACMA, the Agency shall notify the source if regular access to the ACMA is available or if there are insufficient ATUs in the ACMA for regular access. The Agency shall also advise any participating source that special access is available when regular access is unavailable.
 - 3) After being granted regular access to the ACMA by the Agency, a participating source or new participating source may purchase ATUs from the ACMA at the rate of \$1,000 per ATU or 1.5 times the average market price, as determined by the Agency, whichever is less. ATUs shall only be available at 1.5 times the market price if sufficient single season ATUs transfers have occurred with a purchase price that fully reflects the consideration involved in the transfer to establish an average market price. All payments for ATUs from the ACMA shall be made to the Agency or the Agency's designee for deposit into the Alternative Compliance Market Account Fund.
- e) Special Access to ACMA

Special Access to the ACMA shall be available to participating sources, in accordance with this subsection, when the ACMA balance is not sufficient to meet the needs of requesting participating sources.

 - 1) The Agency shall credit the ACMA with up to one percent of ATUs from the seasonal allotment for the next seasonal allotment period as an advance to provide assistance for special access to be granted, as provided in subsection (e)(2) of this Section. Special access to the ACMA shall only be allowed to the extent that such access does not exceed this one percent of the next seasonal allotment.
 - 2) To the extent allowed pursuant to subsection (e)(1) of this Section, the Agency shall grant special access to the ACMA to any participating source if the source submits a written request demonstrating that the following exist:
 - A) During the reconciliation period the source has not been able to obtain regular access to the ACMA and has not been

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

Section 205.720 Emissions Excursion Compensation

The Agency shall obtain emissions excursion compensation from any participating source or new participating source that does not hold ATUs in accordance with Section 205.150(c) or (d) of this Part by the conclusion of the reconciliation period, unless the participating source or new participating source which had seasonal emissions for the 1999 seasonal period but was not issued a CAAPP permit prior to January 1, 1999. The participating source or new participating source which had seasonal emissions for the 1999 seasonal period but was not issued a CAAPP permit prior to January 1, 1999 is required to obtain ATUs at a ratio of 1 to 1. The Agency shall obtain the emission excursion compensation for all other participating sources or new participating sources pursuant to the following procedures.

- a) The Agency shall issue an Excursion Compensation Notice to any such source when an apparent emissions excursion is identified by the Agency.
- b) Except as provided in subsection (c) of this Section, the Excursion Compensation Notice shall require the source to provide compensation in the following manner:
 - 1) The participating source or new participating source shall purchase ATUs from the ACMA in an amount equivalent to 1.2 times the emissions excursion;
 - 2) For the second consecutive seasonal allotment period in which an emissions excursion occurred, the participating source or new participating source shall purchase ATUs from the ACMA in an amount equivalent to 1.5 times the emissions excursion; or
 - 3) If the ACMA balance is not adequate to cover 1.2 times or, when required, 1.5 times the total emissions excursion amount, the Agency shall deduct ATUs equivalent to 1.2 times or, when required, 1.5 times the total emissions excursion or any remaining portion thereof from the source's next allotment of ATUs.
- c) Within 15 days after receipt of an Excursion Compensation Notice, the owner or operator of the subject source may apply to the Agency to request that ATUs in an amount equivalent to 1.2 times or, when required, 1.5 times the emissions excursion be deducted from the source's next seasonal allotment, rather than acquired from the ACMA.
- d) Any source issued an Excursion Compensation Notice may contest the Agency's findings by filing a petition with the Board requesting review of the Emissions Excursion Compensation Notice in accordance with the procedures specified in 35 Ill. Adm. Code 105.102.
- e) If any source contests the Agency's findings in the Excursion Compensation Notice, the Agency shall withhold ATUs in an amount equivalent to 1.2 times or, when required, 1.5 times the amount of the alleged emissions excursion from the source's next seasonal allotment. These ATUs shall be withheld until the Board issues a final order resolving the source's petition contesting the Agency's Excursion Compensation Notice. If the source prevails before the Board, the

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

able to obtain ATUs in the market; and

B) Actual seasonal emissions have exceeded ATUs held by the source for the applicable seasonal allotment period.

- 3) After being granted special access to the ACMA, a participating source may purchase ATUs at the rate of \$1100 per ATU or 2 times the average market price, as determined by the Agency, whichever is less. ATUs shall only be available at 2 times the market price if sufficient single season ATUs transfers have occurred with a purchase price that fully reflects the consideration involved in the transfer to establish an average market price. All payments for ATUs from the ACMA shall be made payable to the Agency or the Agency's designee for deposit into the Alternative Compliance Market Account Fund.
- 4) The Agency shall provide written notification, within 15 days after receipt of any request for special access to the ACMA, allowing or denying special access to the ACMA to any participating source requesting such access. If the Agency denies such access, this written notification shall include its reasons for denying access.
- f) Special access to the ACMA will create a need to generate sufficient VOM emissions reductions during the subsequent calendar year to offset the ATUs distributed; in this instance, the Agency shall:
 - 1) Offset these ATUs by crediting any expired ATUs from the Transaction Accounts of all ERMS participants to the ACMA after the end of the reconciliation period;
 - 2) Seek to achieve an equivalent amount of VOM emissions reductions by the end of the subsequent year to offset these ATUs; or
 - 3) Credit the ACMA with the one percent of ATUs, as needed, from the next seasonal allotment, as provided in subsection (e)(1) of this Section.
- g) The Agency is authorized to use moneys derived from the sale of ATUs from the ACMA to develop and implement additional VOM emissions reductions. If the ACMA is operating without a positive balance, the Agency shall endeavor to generate new emissions reductions whenever possible.
- h) Limitations on Operation of ACMA

The ability of new participating sources to obtain ATUs from the ACMA shall be limited through the seasonal allotment period of 2002, in the aggregate, to no more than 30 percent of the available ACMA balance at the start of each seasonal allotment period unless ATUs are available after access by all participating sources. In such case, new participating sources may obtain ATUs from the ACMA up to 50 percent of the available ACMA balance at the start of each seasonal allotment period.
- i) If the Agency denies special access to the ACMA to any participating source, such source may petition the Board for review of the Agency's denial in accordance with the procedures specified at 35 Ill. Adm. Code 105.102.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

ATUs withheld shall be transferred to the source's Transaction Account. If the Agency prevails before the Board, the ATUs withheld shall be retired to offset the emissions excursion.

- f) Sources that provide Emissions Excursion Compensation shall not be subject to enforcement authority granted to the State or any person under applicable State or federal laws or regulations or any permit conditions. The enforcement authority of the State or any person is only limited by this subsection as it applies to an emissions excursion.

Section 205.730 Excursion Reporting

Upon issuance of each Excursion Compensation Notice to any source that has already had one previous admitted or adjudicated emissions excursion, the source shall submit to the Agency any additional reports required by the source's permit pursuant to Section 39.5(7)(f) of the Act [415 ILCS 5/39.5(7)(f)].

Section 205.740 Enforcement Authority

Except as provided in Section 205.720(f) of this Subpart, nothing in this Part limits the State's authority to seek penalties and injunctive relief for any violation of any applicable State law or regulation or any permit condition, as otherwise provided in the Act. Nothing in this Part limits the right of the federal government or any person to directly enforce against actions or omissions which constitute violations of permits required by the Clean Air Act or applicable federal environmental laws and regulations.

Section 205.750 Emergency Conditions

VOM emissions that are a consequence of an emergency, and are in excess of the technology-based emission rates which are achieved during normal operating conditions, to the extent that such excess emissions are not caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error, shall be deducted from the calculation of actual VOM emissions during the seasonal allotment period in which the emergency occurred, subject to the following:

- a) The owner or operator of the participating source or new participating source shall submit an initial emergency conditions report to the Agency within two days after the time when such excess emissions occurred due to the emergency. The submittal of this initial emergency conditions report shall be sufficient to fulfill the notice requirements of Section 39.5(7)(k) of the Act [415 ILCS 5/39.5(7)(k)] as it relates to VOM emissions at the source if the report provides a detailed description of the emergency, any steps taken to mitigate emissions and corrective actions taken, to the extent practicable. The final report shall contain the following information:

- 1) A description of the cause(s) of the emergency and the duration

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

of the episode;

- 2) Verification that the source was being operated properly at the time of the emergency;
- 3) A demonstration that the source took all reasonable steps to minimize excess VOM emissions during the emergency period, including but not limited to the following actions, if technically and economically feasible:

- A) The level of operation of the affected emission unit(s) was minimized;
- B) The level of emissions from the affected emission units(s) was minimized by use of alternative raw materials or alternative control measures;
- C) The duration of the excess emissions was minimized; and
- D) The amount of VOM emissions from other emission units at the source or other sources located in the Chicago ozone nonattainment area owned or operated by the person or entity were reduced;
- 4) A demonstration that appropriate corrective action(s) were taken promptly;
- 5) A demonstration that the affected emission units were:
- A) Being carefully and properly operated at the time of the emergency, including copies of appropriate records and other relevant evidence;
- B) Properly designed; and
- C) Properly maintained with appropriate preventative maintenance; and

- 6) An estimate of the amount of VOM emissions that occurred during the emergency in excess of the technology-based emission factor achieved during normal operating conditions, including supporting data, the relevant emissions factor, and calculations.

b) The owner or operator of any such source may supplement its initial emergency conditions report within 10 days after the conclusion of the emergency situation.

- c) The Agency must approve, conditionally approve or reject the findings in the final emergency conditions report submitted by the source in writing within 30 days after receipt of a complete report, subject to the following:

- 1) If the Agency concurs with the emergency conditions report, the source is not required to hold ATUs for the excess VOM emissions attributable to the emergency;
- 2) If the Agency approves with conditions or rejects the emergency conditions report, the source shall be required to hold ATUs by the end of the reconciliation period in an amount not less than the emissions identified as excess in the emergency conditions report or provide emissions excursion compensation in accordance with Section 205.720 of this Part, if an emissions excursion occurred;
- 3) If the Agency approves with conditions an emergency conditions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- report, the Agency must identify in its written notice the amount of VOM emissions that are not attributable to an emergency; and
- 4) If the Agency approves with conditions or rejects a source's emergency conditions report, the source may raise the emergency as an affirmative defense pursuant to Section 39.5(7)(k) of the Act in any action brought for noncompliance with this Part or an action brought to review the Agency's issuance of an Excursion Compensation Notice, as provided in Section 205.720(d) of this Subpart.
 - d) Nothing in this Section relieves any source of any obligation to comply with other applicable requirements, permit conditions, or other provisions addressing emergency situations.

Section 205.760 Market System Review Procedures

Beginning in 2000, the Agency shall prepare an Annual Performance Review Report that addresses the effect of VOM emissions reductions in the Chicago ozone nonattainment area on progress toward meeting the RFP requirements and achieving attainment of the NAAQS for ozone by 2007.

- a) The Annual Performance Review Report will review trends and patterns which may have emerged in the operation of the ERMS, and shall include, but not be limited to, the following:

- 1) Total aggregate VOM emissions during the previous seasonal allotment period;
 - 2) The number of ATUs retired for compliance purposes or for air quality benefit, currently being banked, or used by new participating sources for the previous seasonal allotment period;
 - 3) An evaluation of trading activities, including sources with no trading activity, sources that are net purchasers of ATUs and sources that are net sellers of ATUs;
 - 4) ACMA transactions since the preparation of the previous report and the account balance;
 - 5) A summary of emissions reduction generator and inter-sector proposals;
 - 6) Distribution of transactions by geographic area or character of source;
 - 7) Availability of ATUs for purchase;
 - 8) The average market price for ATU transactions from the previous seasonal allotment period; and
 - 9) Trends and spatial distributions of hazardous air pollutants.
- b) The Agency shall prepare the Report by May 15 of the year following the seasonal allotment period addressed by the Report. The Agency will make copies of its Report available to interested parties upon request.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Tiered Approach to Corrective Action Objectives

- 2) Code Citation: 35 Ill. Adm. Code 742

- 3) Section Numbers:

742.105	Amended
742.200	Amended
742.505	Amended
742.805	Amended
742.915	Amended
742.Appendix A.Table E	Amended
742.Appendix A.Table F	Amended
742.Appendix A.Table H	New

- 4) Statutory Authority: 415 ILCS 5/27, 28 and 58.11(c)

- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking is being filed with the Pollution Control Board by the Illinois Environmental Protection Agency (Agency) in response to the directive of the legislature in P.A. 89-431, effective December 15, 1995, and amended by P.A. 89-443, effective July 1, 1996. P.A. 89-431 and P.A. 89-443 established a Title XVII in the Environmental Protection Act (Act), entitled "Site Remediation Program". As a result of this proposal the Agency, among other things, established procedures for the development of risk-based remediation objectives for remediation sites (also known as TACO). The TACO rules were adopted on June 5, 1997 and became effective on July 1, 1997.

This rulemaking concerns amendments to 35 Ill. Adm. Code 742, Docket (A), adopted by the Board on June 5, 1997 and published in the Illinois Register on June 27, 1997 at 21 Ill. Reg. 7942. The proposed amendments are located at Sections 742.105, 742.200, 742.505, 742.805 and 742.915. Specifically, the amendments address a single issue relating to mixtures of similar-acting chemicals. Moreover, the proposed amendments concern mixtures of similar-acting carcinogenic and noncarcinogenic chemicals in both soil and groundwater. The proposed amendments also address mixtures of similar-acting chemicals in terms of meeting Tier 1, Tier 2 and Tier 3 remediation objectives.

A Tier 1 analysis requires the remediation applicant to compare contamination levels of constituents of concern at the remediation site to pre-determined remediation objectives. If any of the contaminants of concern exceed the pre-determined levels, the remediation applicant can remediate until the objectives are achieved or it can perform a Tier 2 or Tier 3 remediation.

A Tier 2 analysis uses equations (Soil Screening Level and Risk Based Corrective Action) set forth in the rules to develop alternative

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

remediation objectives for constituents of concern, using site-specific information. If any contaminants of concern are found to exceed the remediation objectives using the Tier 2 equations, the remediation applicant can either remediate until the objectives are achieved or develop alternative objectives using a Tier 3 analysis.

A Tier 3 analysis allows the remediation applicant to develop remediation objectives using alternative parameters (so long as the remediation applicant provides a mathematical justification for the use of the modified or alternative parameters) not found in Tier 1 or Tier 2. If any of the contaminants of concern are found to exceed the Tier 3 remediation objectives, the remediation applicant would be required to remediate until it achieves those objectives.

6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Proposed Rule (amendment, repealer) Contain Incorporations by Reference? Yes. This Part includes a number of incorporations by reference found at Section 742.210.

9) Are there any other Proposed Amendments on this Part? No

10) Statement of Policy Objectives: These proposed rules are required by P.A. 89-431 and P.A. 89-443 and do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which Interested Person may Comment on this Proposed Rulemaking: Written comments concerning this rulemaking should reference R97-12(B), and should be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
(312) 814-3620

and

Kimberly Robinson
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Questions regarding this proposal may be addressed to:

Amy Muran Felton
Staff Attorney
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
(312) 814-7011

12) Initial Regulatory Flexibility Analysis: This proposal is mandated by Section 58.11(c) of the Environmental Protection Act [415 ILCS 5/58.11(c)], as added by P.A. 89-431, as amended by P.A. 89-443.

A) Types of small businesses affected: The proposed tiered approach to establishing corrective action objectives would be applicable to any small business conducting remedial actions pursuant to any remediation program under the Environmental Protection Act, including, but not limited to, the Site Remediation Program (35 Ill. Adm. Code 740), the Underground Storage Tank Program (35 Ill. Adm. Code 732) and the Resource Conservation and Recovery Program (35 Ill. Adm. Code 729).

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this Rulemaking was Summarized: July 1996 and July 1997

The Full Text of the Proposed Amendments Begin on the Next Page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER f: RISK BASED CLEANUP OBJECTIVES

PART 742
TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES

SUBPART A: INTRODUCTION

Section	
742.100	Intent and Purpose
742.105	Applicability
742.110	Overview of Tiered Approach
742.115	Key Elements
742.120	Site Characterization
SUBPART B: GENERAL	
Section	
742.200	Definitions
742.205	Severability
742.210	Incorporations by Reference
742.215	Determination of Soil Attenuation Capacity
742.220	Determination of Soil Saturation Limit
742.225	Demonstration of Compliance with Remediation Objectives
742.230	Agency Review and Approval

SUBPART C: EXPOSURE ROUTE EVALUATIONS

Section	
742.300	Exclusion of Exposure Route
742.305	Contaminant Source and Free Product Determination
742.310	Inhalation Exposure Route
742.315	Soil Ingestion Exposure Route
742.320	Groundwater Ingestion Exposure Route

SUBPART D: DETERMINING AREA BACKGROUND

Section	
742.400	Area Background
742.405	Determination of Area Background for Soil
742.410	Determination of Area Background for Groundwater
742.415	Use of Area Background Concentrations

SUBPART E: TIER 1 EVALUATION

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	
742.500	Tier 1 Evaluation Overview
742.505	Tier 1 Soil and Groundwater Remediation Objectives
742.510	Tier 1 Remediation Objectives

SUBPART F: TIER 2 GENERAL EVALUATION

Section	
742.600	Tier 2 Evaluation Overview
742.605	Land Use
742.610	Chemical and Site Properties

SUBPART G: TIER 2 SOIL EVALUATION

Section	
742.700	Tier 2 Soil Evaluation Overview
742.705	Parameters for Soil Remediation Objective Equations
742.710	SSL Soil Equations
742.715	RBCA Soil Equations
742.720	Chemicals with Cumulative Noncarcinogenic Effects

SUBPART H: TIER 2 GROUNDWATER EVALUATION

Section	
742.800	Tier 2 Groundwater Evaluation Overview
742.805	Tier 2 Groundwater Remediation Objectives
742.810	Calculations to Predict Impacts from Contamination
	Remaining Groundwater

SUBPART I: TIER 3 EVALUATION

Section	
742.900	Tier 3 Evaluation Overview
742.905	Modifications of Parameters
742.910	Alternative Models
742.915	Formal Risk Assessments
742.920	Impractical Remediation
742.925	Exposure Routes
742.930	Derivation of Toxicological Data

SUBPART J: INSTITUTIONAL CONTROLS

Section	
742.1000	Institutional Controls
742.1005	No Further Remediation Letters
742.1010	Restrictive Covenants, Deed Restrictions and Negative Easements
742.1015	Ordinances
742.1020	Highway Authority Agreements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: ENGINEERED BARRIERS

Section
742.1100 Engineered Barriers

742.1105 Engineered Barrier Requirements

APPENDIX A General

ILLUSTRATION A Developing Soil Remediation Objectives Under the Tiered Approach

ILLUSTRATION B Developing Groundwater Remediation Objectives Under the Tiered Approach

TABLE A Soil Saturation Limits (C[sat]) for Chemicals Whose Melting Point is Less Than 30°C

TABLE B Tolerance Factor (K)

TABLE C Coefficients {A[N-I+1]} for W Test of Normality, for N=2(1)50

TABLE D Percentage Points of the W Test for N=3(1)50

TABLE E Similar-Acting Noncarcinogenic Chemicals with-----Noncarcinogenic Toxic---Effects---on-Specific-Target-Organ-Systems-or-Similar Modes-of-Action

TABLE F Similar-Acting Carcinogenic Chemicals with---Carcinogenic---Toxic Effects---on-Specific-Target-Organ-Systems-or---Similar---Modes of-Action

TABLE G Concentrations of Inorganic Chemicals in Background Soils

TABLE H Chemicals Whose Tier 1 Class I Groundwater Remediation Objective Exceeds the 1 in 1,000,000 Cancer Risk Concentration

APPENDIX B Tier 1 Tables and Illustrations

ILLUSTRATION A Tier 1 Evaluation

TABLE A Tier 1 Soil Remediation Objectives for Residential Properties

TABLE B Tier 1 Soil Remediation Objectives for Industrial/Commercial Properties

TABLE C pH Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route (Class I Groundwater)

TABLE D pH Specific Soil Remediation Objectives for Inorganics and Ionizing Organics for the Soil Component of the Groundwater Ingestion Route (Class II Groundwater)

TABLE E Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route

TABLE F Values Used to Calculate the Tier 1 Soil Remediation Objectives for the Soil Component of the Groundwater Ingestion Route

APPENDIX C Tier 2 Tables and Illustrations

ILLUSTRATION A Tier 2 Evaluation for Soil

ILLUSTRATION B Tier 2 Evaluation for Groundwater

ILLUSTRATION C US Department of Agriculture Soil Texture Classification

TABLE A SSL Equations

TABLE B SSL Parameters

TABLE C RBCA Equations

TABLE D RBCA Parameters

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TABLE E Default Physical and Chemical Parameters

TABLE F Methods for Determining Physical Soil Parameters

TABLE G Error Function (erf)

TABLE H Q/C Values by Source Area

TABLE I K[oc] Values for Ionizing Organics as a Function of pH (cm(3)/g or L/kg)

TABLE J Values to be Substituted for k[s] When Evaluating Inorganics as a Function of pH (cm(3)[water] water/g[soil])

TABLE K Parameter Estimates for Calculating Water-Filled Soil Porosity (Omega[w])

AUTHORITY: Implementing Sections 22.4, 22.12, Title XVI, and Title XVII and authorized by Sections 27, 57.14, and 58.5 of the Environmental Protection Act [415 ILCS 5/22.4, 22.12, 27, 57.14 and 58.5 and Title XVI and Title XVII] (see P.A. 88-496, effective September 13, 1993 and P.A. 89-431, effective December 15, 1995).

SOURCE: Adopted at 21 Ill. Reg. 7942, effective July 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

Note: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; SUM means the summation series or sigma function as used in mathematics; and the English words Alpha, Lambda and Omega are substituted for the Greek symbols because of computer program limitations.

SUBPART A: INTRODUCTION

Section 742.105 Applicability

- a) Any person, including a person required to perform an investigation pursuant to the Illinois Environmental Protection Act [415 ILCS 5/415--571-et-seq] (Act), may elect to proceed under this Part to the extent allowed by State or federal law and regulations and the provisions of this Part. A person proceeding under this Part may do so to the extent such actions are consistent with the requirements of the program under which site remediation is being addressed.
- b) This Part is to be used in conjunction with the procedures and requirements applicable to the following programs:
- 1) Leaking Underground Storage Tanks (35 Ill. Adm. Code 731 and 732);
 - 2) Site Remediation Program (35 Ill. Adm. Code 740); and
 - 3) RCRA Part B Permits and Closure Plans (35 Ill. Adm. Code 724 and 725).
- c) The procedures in this Part may not be used if their use would delay response action to address imminent and substantial threats to human health and the environment. This Part may only be used after actions to address such threats have been completed.
- d) This Part may be used to develop remediation objectives to protect

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

surface waters, sediments or ecological concerns, when consistent with the regulations of other programs, and as approved by the Agency.

e) A no further remediation determination issued by the Agency prior to July 1, 1997 pursuant to Section 4(y) of the Act or one of the programs listed in subsection (b) of this Section that approves completion of remedial action relative to a release shall remain in effect in accordance with the terms of that determination.

f) Site specific groundwater remediation objectives determined under this Part for contaminants of concern may exceed the groundwater quality standards established pursuant to the rules promulgated under the Illinois Groundwater Protection Act [415 ILCS 55] as long as done in accordance with Sections 742.805(f) and 742.900(c)(9). [See 415 ILCS 5/58.5(d)(4).]

g) Where contaminants of concern include polychlorinated biphenyls (PCBs), a person may need to evaluate the applicability of regulations adopted under the Toxic Substances Control Act (15 U.S.C. 2601).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL

Section 742.200 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Act.

"Act" means the Illinois Environmental Protection Act [415 ILCS 5] 415-116S-5/1-et-seq-7.

"ADL" means Acceptable Detection Limit, which is the detectable concentration of a substance which is equal to the lowest appropriate Practical Quantitation Limit (PQL) as defined in this Section.

"Agency" means the Illinois Environmental Protection Agency.

"Agricultural Property" means any real property for which its present or post-remediation use is for growing agricultural crops for food or feed either as harvested crops, cover crops or as pasture. This definition includes, but is not limited to, properties used for confinement or grazing of livestock or poultry and for silviculture operations. Excluded from this definition are farm residences, farm outbuildings and agricultural facilities.

"Area Background" means concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the result solely of releases at the site. (Section 58.2 of the Act)

"ASTW" means the American Society for Testing and Materials.

"Board" means the Illinois Pollution Control Board.

"Cancer Risk" means a unitless probability of an individual developing cancer from a defined exposure rate and frequency.

"Cap" means a barrier designed to prevent the infiltration of precipitation or other surface water, or impede the ingestion or inhalation of contaminants.

"Carcinogen" means a contaminant that is classified as a category A1 or A2 carcinogen by the American Conference of Governmental Industrial Hygienists; a category I or 2A/2B carcinogen by the World Health Organization's International Agency for Research on Cancer; a "human carcinogen" or "anticipated human carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a category A or B1/B2 carcinogen by the United States Environmental Protection Agency in the integrated risk information system or a final rule issued in a Federal Register notice by the USEPA. (Section 58.2 of the Act)

"Class I Groundwater" means groundwater that meets the Class I: Potable Resource Groundwater criteria set forth in 35 Ill. Adm. ~~Illinois-Administrative~~ Code 620.

"Class II Groundwater" means groundwater that meets the Class II: General Resource Groundwater criteria set forth in 35 Ill. Adm. ~~Illinois-Administrative~~ Code 620.

"Conservation Property" means any real property for which present or post-remediation use is primarily for wildlife habitat.

"Construction Worker" means a person engaged on a temporary basis to perform work involving invasive construction activities including, but not limited to, personnel performing demolition, earth-moving, building, and routine and emergency utility installation or repair activities.

"Contaminant of Concern" or "Regulated Substance of Concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the person conducting a remediation based upon reasonable inquiry. (Section 58.2 of the Act)

"Engineered Barrier" means a barrier designed or verified using

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

engineering practices that limits exposure to or controls migration of the contaminants of concern.

"Exposure Route" means the transport mechanism by which a contaminant of concern reaches a receptor.

"Free Product" means a contaminant that is present as a non-aqueous phase liquid for chemicals whose melting point is less than 30°C (e.g., liquid not dissolved in water).

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3.64 of the Act)

"Groundwater Quality Standards" means the standards for groundwater as set forth in 35 Ill. Adm. ~~Illinois Administrative~~ Code 620.

"Hazard Quotient" means the ratio of a single substance exposure level during a specified time period to a reference dose for that substance derived from a similar exposure period.

"Highway" means any public way for vehicular travel which has been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which has been established by dedication, or used by the public as a highway for 15 years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land included in the subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law. The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road", while a highway in a municipal area may be called a "street". (Illinois Highway Code [605 ILCS 5/2-202])

"Highway Authority" means the Department of Transportation with respect to a State highway; the County Board with respect to a county highway or a county unit district road if a discretionary function is involved and the County Superintendent of Highways if a ministerial function is involved; the Highway Commissioner with respect to a township or district road not in a county unit road district; or the corporate authorities of a municipality with respect to a municipal street. (Illinois Highway Code [605 ILCS 5/2-213])

"Human Exposure Pathway" means a physical condition which may allow for a risk to human health based on the presence of all of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

following: contaminants of concern; an exposure route; and a receptor activity at the point of exposure that could result in contaminant of concern intake.

"Industrial/Commercial Property" means any real property that does not meet the definition of residential property, conservation property or agricultural property.

"Infiltration" means the amount of water entering into the ground as a result of precipitation.

"Institutional Control" means a legal mechanism for imposing a restriction on land use, as described in Subpart J.

"Man-Made Pathways" means constructed physical conditions that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches, or previously excavated and filled areas. (Section 58.2 of the Act)

"Natural Pathways" means natural physical conditions that may allow for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses. (Section 58.2 of the Act)

"Negative Easement" means a right of the owner of the dominant or benefitted estate or property to restrict the property rights of the owner of the servient or burdened estate or property.

"Person" means an individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body including the United States government and each department, agency, and instrumentality of the United States. (Section 58.2 of the Act)

"Point of Human Exposure" means the point(s) at which human exposure to a contaminant of concern may reasonably be expected to occur. The point of human exposure is at the source, unless an institutional control limiting human exposure for the applicable exposure route has been or will be in place, in which case the point of human exposure will be the boundary of the institutional control. Point of human exposure may be at a different location than the point of compliance.

"PQL" means practical quantitation limit or estimated quantitation limit, which is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by reference in Section 742.210. When applied to filtered water samples, PQL includes the method detection limit or estimated detection limit in accordance with the applicable method revision in: "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II", EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference in Section 742.210.

"RBCA" means Risk Based Corrective Action as defined in ASTM E-1739-95, as incorporated by reference in Section 742.210.

"RCRA" means the Resource Conservation and Recovery Act of 1976- U.S.C. 6921).

"Reference Concentration (RfC)" means an estimate of a daily exposure, in units of milligrams of chemical per cubic meter of air (mg/m(3)), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

"Reference Dose (RfD)" means an estimate of a daily exposure, in units of milligrams of chemical per kilogram of body weight per day (mg/kg/d), to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a portion of a lifetime (up to approximately seven years, subchronic) or for a lifetime (chronic).

"Regulated Substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (Section 58.2 of the Act)

"Residential Property" means any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, child care facilities or outdoor recreational areas.

"Restrictive Covenant or Deed Restriction" means a provision placed in a deed limiting the use of the property and prohibiting certain uses.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Black's Law Dictionary, 5th Edition)

"Right of Way" means the land, or interest therein, acquired for or devoted to a highway. (Illinois Highway Code [605 ILCS 5/2-217])

"Similar-Acting Chemicals" are chemical substances that have toxic or harmful effect on the same specific organ or organ system (see Appendix A.Tables E and F for a list of similar-acting chemicals with noncarcinogenic and carcinogenic effects).

"Site" means any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way. (Section 58.2 of the Act)

"Slurry Wall" means a man-made barrier made of geologic material which is constructed to prevent or impede the movement of contamination into a certain area.

"Soil Saturation Limit (C[sat])" means the contaminant concentration at which soil pore air and pore water are saturated with the chemical and the adsorptive limits of the soil particles have been reached.

"Solubility" means a chemical specific maximum amount of solute that can dissolve in a specific amount of solvent (groundwater) at a specific temperature.

"SPLP" means Synthetic Precipitation Leaching Procedure (Method 1312) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as incorporated by reference in Section 742.210.

"SSL" means Soil Screening Levels as defined in USEPA's Soil Screening Guidance: User's Guide and Technical Background Document, as incorporated by reference in Section 742.210.

"Stratigraphic Unit" means a site-specific geologic unit of native deposited material and/or bedrock of varying thickness (e.g., sand, gravel, silt, clay, bedrock, etc.). A change in stratigraphic unit is recognized by a clearly distinct contrast in geologic material or a change in physical features within a zone of gradation. For the purposes of this Part, a change in stratigraphic unit is identified by one or a combination of differences in physical features such as texture, cementation, fabric, composition, density, and/or permeability of the native material and/or bedrock.

"TCLP" means Toxicity Characteristic Leaching Procedure (Method 1311) as published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Taken corrective action, to the maximum extent practicable to remove any free product;
- 3) Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater will meet:
 - A) The applicable Tier 1 groundwater remediation objective at the point of human exposure; or
 - B) For any contaminant of concern for which there is no Tier 1 groundwater remediation objective, the Health Advisory concentration determined according to the procedures specified in 35 Ill. Adm. Code 620, Subpart F at the point of human exposure. A person may request the Agency to provide these concentrations or may propose these concentrations under Subpart I;
- 4) Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater within the minimum or designated maximum setback zone of an existing potable water supply well will meet the applicable Tier 1 groundwater remediation objective or if there is no Tier 1 groundwater remediation objective, the Health Advisory concentration;
- 5) Using Equation R26 in accordance with Section 742.810, demonstrated that the concentration of any contaminant of concern in groundwater discharging into a surface water will meet the applicable water quality standard under 35 Ill. Adm. Code 302;
- 6) Demonstrated that the source of the release is not located within the minimum or designated maximum setback zone or within a regulated recharge area of an existing potable water supply well; and
- 7) If the selected corrective action includes an engineered barrier as set forth in Subpart K to minimize migration of contaminant of concern from the soil to the groundwater, demonstrated that the engineered barrier will remain in place for post-remediation land use through an institutional control as set forth in Subpart J.

- b) A groundwater remediation objective that exceeds the water solubility of that chemical (refer to Appendix C, Table E for solubility values) is not allowed.
- c) The contaminants of concern for which a Tier 1 remediation objective has been developed shall be included in any mixture of similar-acting chemicals under consideration in Tier 2. The evaluation of 35 Ill. Adm. Code 620.615 regarding mixtures of similar-acting chemicals shall be considered satisfied for Class I groundwater at the point of human exposure if either of the following requirements are achieved:

~~Groundwater remediation objectives for chemicals which affect the same target organ, organ system or similar mode of action shall meet the requirements of Section 742.805(b)(3). Contaminants of concern for which a Tier 1 remediation objective has been developed shall be included in any mixture of similar-acting substances under~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- ii) ~~If the value of the weighted average calculated in accordance with the equations above is less than or equal to 1.07, then the remediation objectives are met for those chemicals.~~
- ii) ~~If the value of the weighted average calculated in accordance with the equations above is greater than 1.07, then additional remediation must be carried out until the level of contaminants remaining in the remediated area have a weighted average calculated in accordance with the equation above less than or equal to one.~~

B) No carcinogenic contaminant of concern as listed in Appendix A, Table H is detected in any groundwater sample associated with the site, using analytical procedures capable of achieving either the 1 in 1,000,000 cancer risk concentration or the ADL, whichever is greater. Divide each individual chemical's remediation objective by the number of chemicals in that specific target organ group that were detected at the site. Each of the contaminant concentrations at the site is then compared to the remediation objectives that have been adjusted to account for this potential additivity.

- 4) If the conditions of subsection (b)(3) of this Section are not met, the Class I groundwater remediation objectives set forth in Appendix B, Table E shall be corrected for the cumulative effect of mixtures of similar-acting chemicals using the following methodologies:

A) For noncarcinogenic chemicals, the methodologies set forth at Section 742.805(c) or Section 742.915(h) shall be used;

B) For carcinogenic chemicals, the methodologies set forth at Section 742.805(d) or Section 742.915(h) shall be used.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART H: TIER 2 GROUNDWATER EVALUATION

Section 742.805 Tier 2 Groundwater Remediation Objectives

- a) To develop a groundwater remediation objective under this Section that exceeds the applicable Tier 1 groundwater remediation objective, a person may request approval from the Agency if the person has performed the following:
 - 1) Identified the horizontal and vertical extent of groundwater for which the Tier 2 groundwater remediation objective is sought;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

consideration in Tier-2:

- 1) Calculate the weighted average using the following equations:

$$W[ave] = \frac{x[1]}{CUO[x[1]]} + \frac{x[2]}{CUO[x[2]]} + \frac{x[3]}{CUO[x[3]]} + K + \frac{x[a]}{CUO[x[a]]}$$

where:

$W[ave]$ = Weighted Average

$x[1]$ through $x[a]$ = Concentration of each individual contaminant at the location of concern. Note that, depending on the target organ, the actual number of contaminants will range from 2 to 14.

$CUO[x[a]]$ = A Tier 1 remediation objective must be developed for each $x[a]$.

If the value of the weighted average calculated in accordance with the equations above is less than or equal to 1.0, then the remediation objectives are met for those chemicals.

If the value of the weighted average calculated in accordance with the equations above is greater than 1.0, then additional remediation must be carried out until the level of contaminants remaining in the remediated area have a weighted average calculated in accordance with the equation above less than or equal to one; or

- 2) Divide each individual chemical's remediation objective by the number of chemicals in that specific target organ group that were detected at the site. Each of the contaminant concentrations at the site is then compared to the remediation objectives that have been adjusted to account for this potential additivity.
- d) The evaluation of 35 Ill. Adm. Code 620.615 regarding mixtures of similar-acting chemicals are considered satisfied if the cumulative risk from any contaminant(s) of concern listed in Appendix A, Table H, plus any other contaminant(s) of concern detected in groundwater and listed in Appendix A, Table F as affecting the same target organ/organ system as the contaminant(s) of concern detected from Appendix A, Table H, does not exceed 1 in 10,000.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART 1: TIER 3 EVALUATION

Section 742.915 Formal Risk Assessments

A comprehensive site-specific risk assessment shall demonstrate that contaminants of concern at a site do not pose a significant risk to any human receptor. All site-specific risk assessments shall be submitted to the Agency for review and approval. A submittal under this Section shall address the following factors:

- Whether the risk assessment procedure used is nationally recognized and accepted including, but not limited to, those procedures incorporated by reference in Section 742.210;
 - Whether the site-specific data reflects actual site conditions;
 - The adequacy of the investigation of present and post-remediation exposure routes and risks to receptors identified at the site;
 - The appropriateness of the sampling and analysis;
 - The adequacy and appropriateness of toxicity information;
 - The extent of contamination;
 - Whether the calculations were accurately performed; and
 - Similar-acting chemicals shall be specifically addressed. At a minimum, the chemicals subject to this requirement are identified in Appendix A, Tables E and F; and
- i) Proposals seeking to modify the target risk consistent with Section 742.900(d) shall address the following factors:
- the presence of sensitive populations;
 - the number of receptors potentially impacted;
 - the duration of risk at the differing target levels; and
 - the characteristics of the chemical of concern.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 742. APPENDIX A General
 Section 742. TABLE E Similar-Acting Noncarcinogenic Chemicals with
 Nongenotoxic--Genetic--Effects--on--Specific--Target--Organs--Systems--of Similar--Modes--of--Action

Kidney

Acetone
 Cadmium (Ingestion only)
 Chlorobenzene
 Dalapon
 1,1-Dichloroethane
 Di-n-octyl phthalate
 Endosulfan
 Ethylbenzene
 Fluoranthene
 Nitrobenzene
 Pyrene
 Toluene
 2,4,5-Trichlorophenol
 Vinyl acetate

Liver

Acenaphthene
 Acetone
 Butylbenzyl phthalate
 1,1-Dichloroethene
 Chlorobenzene
 1,1-Dichloroethane
 Di-n-octyl-phthalate

Endrin

Ethylbenzene
 Fluoranthene
 Nitrobenzene
 Picloram
 Styrene
 2,4,5-Tp (Silvex)
 Toluene
 2,4,5-Trichlorophenol

Central Nervous System

Butanol
 Cyanide (amenable)
 2,4-Dimethylphenol
 Endrin
 Manganese
 2-Methylphenol
 Mercury
 Styrene

XylenesCirculatory System

Antimony
 Barium
 2,4-D
 cis-1,2-Dichloroethylene
 Nitrobenzene
 trans-1,2-Dichloroethylene
 2,4-Dimethylphenol
 Fluoranthene
 Fluorene
 Styrene
 Zinc

Gastrointestinal System

Endothall
 Hexachlorocyclopentadiene
 Methyl bromide

Reproductive System

Barium
 Boron
 Carbon disulfide
 2-Chlorophenol
 1,2 Dibromo-3-Chloropropane (Inhalation only)
 Dinoseb
 Methoxychlor
 Phenol

Cholinesterase Inhibition

Aldicarb
 Carbofuran

Decreased Body Weight Gains and Circulatory System Effects

Atrazine
 Simazine

Adrenal Gland

Nitrobenzene
 1,2,4-Trichlorobenzene

Respiratory System

1,2-Dichloropropane
 Hexachlorocyclopentadiene
 Methyl bromide
 Vinyl acetate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 742. TABLE F Similar-Acting Carcinogenic Chemicals with-Sarcomagenic
 Toxic-Effects-on-Specific-Target-Organ-Systems-or-Similar-Mode-of-Action

Kidney
 Bromodichloromethane
 Chloroform
 1,2-Dibromo-3-chloropropane
 2,4-Dinitrotoluene
 2,6-Dinitrotoluene
 Hexachlorobenzene
Liver
 Aldrin
 Bis(2-chloroethyl)ether
 Bis(2-ethylhexyl)phthalate
 Carbazole
 Carbon tetrachloride
 Chlordane
 Chloroform
 DDD
 DDE
 DDT
 1,2-Dibromo-3-chloropropane
 1,2-Dibromoethane
 3,3'-Dichlorobenzidine
 1,2-Dichloroethane
 1,3-Dichloropropane (Ingestion only)
 1,3-Dichloropropylene
 Dieldrin
 2,4-Dinitrotoluene
 2,6-Dinitrotoluene
 Heptachlor
 Heptachlor epoxide
 Hexachlorobenzene
 alpha-HCH
 gamma-HCH (Lindane)
 Methylene chloride
 N-Nitrosodiphenylamine
 N-Nitrosodi-n-propylamine
 Pentachlorophenol
 Tetrachloroethylene
 Trichloroethylene
 2,4,6-Trichlorophenol
 Toxaphene
 Vinyl chloride

Circulatory System

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Immune System
 2,4-Dichlorophenol
 p-Chloroaniline

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Benzene
2,4,6-Trichlorophenol

Gastrointestinal System

Benzo(a)anthracene
Benzo(b)fluoranthene
Benzo(k)fluoranthene
Benzo(a)pyrene

Chrysene

Dibenzo(a,h)anthracene
Ideno(1,2,3-c,d)pyrene
Bromodichloromethane
Bromoform
1,2-Dibromo-3-chloropropane
1,2-Dibromoethane
1,3-Dichloropropylene

Lung

Arsenic
Beryllium (Inhalation only)
Cadmium (Inhalation only)
Chromium, hexavalent (Inhalation only)
1,3-Dichloropropylene
Methylene chloride
N-Nitrosodi-n-propylamine
Vinyl chloride

Nasal Cavity

1,2-Dibromo-3-chloropropane (Inhalation only)
1,2-Dibromoethane (Inhalation only)
N-Nitrosodi-n-propylamine

Bladder

3,3'-Dichlorobenzidine
1,3-Dichloropropylene
N-Nitrosodiphenylamine

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 742. TABLE H Chemicals Whose Tier 1 Class I Groundwater Remediation Objective Exceeds the 1 in 1,000,000 Cancer Risk Concentration

Chemical	Class I		ADL (mg/l)
	Groundwater Remediation Objective (mg/l)	1 in 1,000,000 Cancer Risk Concentration (mg/l)	
Aldrin	0.00004	0.00002	0.00004
Benzo(a)pyrene	0.0002	0.00005	0.00023
Bis(2-chloroethyl)ether	0.01	0.00003	0.01
Bis(2-ethylhexyl)phthalate	0.006	0.003	0.0027
Carbon Tetrachloride	0.005	0.003	0.00003
Chlordane	0.002	0.0003	0.00014
Dibenzo(a,h)anthracene	0.0003	0.00005	0.0003
1,2-Dibromo-3-chloropropane	0.0002	0.0003	0.0002
1,2-Dibromoethane	0.0005	0.000004	0.00005
3,3'-Dichlorobenzidine	0.02	0.0008	0.02
1,2-Dichloroethane	0.005	0.004	0.00003
Dieldrin	0.0002	0.00002	0.00002
Heptachlor	0.004	0.00008	0.0003
Heptachlor epoxide	0.002	0.00004	0.00032
Hexachlorobenzene	0.0006	0.0002	0.0006
alpha-HCH	0.0003	0.00006	0.0003
Tetrachloroethylene	0.005	0.007	0.0001
Toxaphene	0.003	0.003	0.0086
Vinyl chloride	0.002	0.00015	0.0006
Ionizable Organics			
N-Nitrosodiphenylamine	0.01	0.007	0.01
N-Nitrosodi-n-propylamine	0.01	0.00005	0.01
Pentachlorophenol	0.001	0.0003	0.001
2,4,6-Trichlorophenol	0.0064	0.003	0.0064
Inorganics			
Arsenic	0.05	0.00002	0.001
Beryllium	0.004	0.0000083	0.004

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:
148.297 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9
- 5) Complete Description of the Subjects and Issues Involved: New Section 148.297 is being proposed to create the Pediatric Outpatient Adjustment Payments program. This new program will provide quarterly payments to cover the costs of outpatient services provided by children's hospitals. This program will ensure access to Medicaid eligible children for highly specialized outpatient procedures. It is expected that the annual cost of this program will be approximately \$7,000,000.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.295	Amendment	July 18, 1997 (21 Ill. Reg. 9401)
148.296	New Section	July 18, 1997 (21 Ill. Reg. 9401)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62763
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40]. Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Illinois Register on page _____:

9822

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None
- C) Types of Professional Skills Necessary for Compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent regulatory agenda because: The need for this rulemaking was not apparent when the regulatory agenda was finalized.
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Numbers:
692.10 Proposed Action:
692.Appendix A Amendment
- 4) Statutory Authority: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff) and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].
- 5) A Complete Description of the Subject and Issues Involved: This rulemaking adds a requirement that persons be domiciled in Illinois and legal residents of Illinois in order to be eligible for participation in the AIDS Drug Assistance Program. The amendments also update the federal Poverty Income Guidelines in Appendix A to reflect 1997 levels.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217)782-2043
(E-mail: rules@idph.state.il.us)
- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: This rulemaking will not affect small businesses.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692

AIDS DRUG ASSISTANCE PROGRAM

Section

692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

APPENDIX A 1997 +996 Poverty Income Guidelines
 APPENDIX B CARE Act Sliding Fee Scale

AUTHORITY: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff), and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

Drugs provided under this Section are paid for on behalf of low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or persons with the Human Immunodeficiency Virus (HIV).

- a) To qualify for services under this Section, a person must be enrolled in the AIDS Drug Assistance Program as of June 4, 1996, or:
 - 1) make application with annual renewal to the Illinois Department of Public Health (Department);
 - 2) be diagnosed as having AIDS or HIV;
 - 3) qualify financially with anticipated gross monthly income at or below 200% of the Federal Poverty Level for the size of the household (see Appendix A);
 - 4) not be eligible for 80% or greater insurance coverage for drugs through another third party payor;
 - 5) not be eligible for the Medical Assistance Program (Medicaid) on the date drugs are obtained (individuals with financial/medical

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

assistance applications pending or individuals in spenddown unmet status may participate); and
 6) not be eligible for payment for prescription drugs from any other governmental entity; and

7) be domiciled in and a legal resident of Illinois.

b) Persons enrolled in the AIDS Drug Assistance Program must reapply annually in order to continue receiving drugs through the Program.

1) Renewal applications must be received by the Department by the expiration date of the client's current enrollment.

2) If a renewal application is not received by the Department within 15 days after the expiration date of the client's current enrollment, the client will be removed from the Program and will be required to meet the eligibility requirements of subsection (a)(1) through (7) of this Section in order to continue receiving drugs through the Program.

c) The Department may suspend a client's enrollment in the AIDS Drug Assistance Program under the following circumstances:

- 1) submittal of fraudulent application information by an applicant or client;
 - 2) failure to submit an application by the due date;
 - 3) failure to utilize the Program for a six month period.
- d) Subject to the availability of funds the Department may implement cost control measures such as client benefit maximums or limitations on new enrollments.

e) All drugs provided under the AIDS Drug Assistance Program have been approved by the federal Food and Drug Administration. The following categories of drugs may be covered under the AIDS Drug Assistance Program. The Department, with the advice of the medical issues subcommittee of the Title II Ryan White AIDS Advisory Council, will determine which drugs will be covered, based on criteria that include the medical appropriateness of the drug for treatment of HIV/AIDS and associated complications:

Category I - Drugs for Anti-Retroviral Therapy;

Category II - Drugs for PCP Prophylaxis and Treatment;

Category III - Drugs for Prophylaxis and Treatment of Opportunistic Infections and Anti-Microbials;

Category IV - Drugs for Treatment of Neoplasms; and

Category V - Other Drugs Requiring Prior Approval.

f) All prescriptions must be filled by the Department's sole pharmacy contractor.

g) The Department may require participants to pay a copayment for prescriptions received. If a copayment is charged, it must not exceed the sliding fee structure specified in Title II of the CARE Act (see Appendix B). Effective July 1, 1996, those participants whose incomes are above 100% of the federal Poverty Level (\$7,740 annually) will be charged a copayment of \$10 per prescription with a maximum payment of \$380 per year (July 1 - June 30).

h) The Department will make a disposition and issue a written decision on

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 692.APPENDIX A 1997/1996 Poverty Income Guidelines

1997 1996 Poverty Income Guidelines

Size of Family Unit	Poverty Guideline
1	\$ 7,890 7740
2	10,610 107360
3	13,330 127900
4	16,050 157600
5	18,770 187200
6	21,490 207840
7	24,210 237460
8	26,930 267000

For family units with more than 8 members, add \$2,620 for each additional member.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

an application filed pursuant to this Section within 30 days from the date the Department receives the application. The Department will make a disposition and issue a written decision on a renewal application filed pursuant to this Section within 15 days from the date the Department receives the application. An individual may appeal the Department's denial of his/her application. Such appeal shall be in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3) Section Numbers: Proposed Action:
205.520 Amendments
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 205 govern the licensure of ambulatory surgical treatment centers. Section 205.520 is being amended to delete the requirement for specific preoperative lab tests. The facility's Consulting Committee should be allowed to decide what preoperative lab tests need to be conducted at that particular facility. The rules require the list or lists of tests to be in written form and to be available to all members of the medical staff.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of this notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Ambulatory surgical treatment centers

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent regulatory agendas because: The need for the rulemaking was not apparent when the regulatory agendas were finalized.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
 AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

205.110 Definitions
 205.115 Incorporated and Referenced Materials
 205.118 Conditions of Licensure
 205.120 Application for Initial Licensure
 205.125 Application for License Renewal
 205.130 Approval of Surgical Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section

205.210 Ownership, Control and Management
 205.220 Organizational Plan
 205.230 Standards of Professional Work
 205.240 Policies and Procedures Manual

SUBPART C: PERSONNEL

Section

205.310 Personnel Policies
 205.320 Presence of Qualified Physician
 205.330 Nursing Personnel
 205.340 Basic Life Support
 205.350 Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section

205.410 Equipment
 205.420 Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section

205.510 Emergency Care
 205.520 Preoperative Care
 205.530 Operative Care
 205.540 Postoperative Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: RECORDS AND REPORTS

Section

205.610 Clinical Records
 205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710 Pregnancy Termination Specialty Centers
 205.720 Personnel (Repealed)
 205.730 General Patient Care (Repealed)
 205.740 Preoperative Requirements (Repealed)
 205.750 Postoperative Requirements (Repealed)
 205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810 Complaints
 205.820 Notice of Violation
 205.830 Plan of Correction
 205.840 Adverse Licensure Action
 205.850 Fines and Penalties
 205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND
 PHYSICAL REQUIREMENTS

Section

205.1310 Plant and Service Requirements
 205.1320 General Considerations
 205.1330 New Construction, Additions and Major Alterations
 205.1340 Minor Alterations and Remodeling Changes
 205.1350 Administration Department and Public Areas
 205.1360 Clinical Facilities
 205.1370 Support Service Areas
 205.1380 Diagnostic Facilities
 205.1390 Other Building Services
 205.1400 Details and Finishes
 205.1410 Construction, Including Fire Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section

205.1510 General
 205.1520 Thermal and Acoustical Insulation
 205.1530 Steam and Hot Water Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

205.1540 Air Conditioning, Heating and Ventilating Systems

Section

205.1610 General
205.1620 Plumbing Fixtures
205.1630 Water System
205.1640 Drainage Systems
205.1650 Identification

SUBPART L: ELECTRICAL

Section

205.1710 General
205.1720 Switchboards and Power Panels
205.1730 Panelboards
205.1740 Lighting
205.1750 Receptacles (Convenience Outlets)
205.1760 Grounding
205.1770 Equipment Installation in Special Areas
205.1780 Emergency Electric Service
205.1790 Fire Alarm System

TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 21 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: GENERAL PATIENT CARE

Section 205.520 Preoperative Care

- a) Where medical evaluation, examination, and referral are made from a private physician's office, hospital, or clinic, pertinent records thereof shall be available and made part of the patient's clinical record at the time the patient is registered and admitted to the ambulatory surgical treatment center.
- b) A complete medical history shall be obtained and the physical examination shall be complete. A preanesthetic evaluation shall be completed specifically identifying any patient sensitivity or contraindications to anesthesia.
- c) A hemoglobin or hematocrit and examination of the urine for sugar, protein, and acetone shall be performed prior to the following procedures:
- 1) those performed with general anesthesia;
 - 2) those performed with intravenous sedation;
 - 3) those performed with spinal or epidural anesthesia;
 - 4) those performed with any other specific anesthesia technique designated by the consulting committee; and
 - 5) those performed to terminate pregnancy.

The laboratory examinations required on all admissions shall be determined by the Consulting Committee and shall be consistent with the scope and nature of the ambulatory surgical treatment center. The required list or lists of tests shall be in written form and shall be available to all members of the medical staff.

- d) Prior to procedures performed to terminate pregnancy, the physician shall establish the diagnosis of pregnancy by appropriate clinical evaluation and testing. In addition, the patient's blood Rh factor shall be determined.

- e) A written statement indicating informed consent and a signed authorization by the patient for the performance of the specific surgical procedure shall be procured and made part of the patient's clinical record.

- f) Surgical procedures shall not be performed on patient's having medical, surgical, or psychiatric conditions or complications as specified by the Consulting Committee consulting committee in the facility's written policies.

- g) Prior to admission to the facility for a surgical procedure, the patient shall be informed of the following:

- 1) Patients who receive general anesthesia, intravenous sedation, spinal or epidural anesthesia, or any other anesthesia technique designated by the Consulting Committee consulting committee must not attempt to drive a motor vehicle immediately upon discharge from the facility.
- 2) Patients must make arrangements prior to admission for safe transportation from the facility upon discharge to return to home.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

or to a similar environment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Use of the Capitol Complex Facilities
- 2) Code Citation: 71 Ill. Adm. Code 2005
- 3) Section Number: Proposed Action:
2005.40 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].
- 5) A Complete Description of the Subjects and Issues Involved: Specifies locations and time frames for first amendment displays in the Capitol Complex to ensure the preservation and dignity of these buildings.
- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Carol Sudman, Assistant Counsel
298 Howlett Building
Springfield, Illinois 62756
217/785-3094
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will not affect any business, not for profit entity, or unit of government.

B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting requirements are imposed.

C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: The

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

rulemaking was not anticipated at the time the regulatory agenda was published. A First Amendment display during the spring G.A. session prompted complaints that the Secretary of State's office was not taking adequate measures to preserve the dignity of the Capitol Complex and to ensure that First Amendment activities did not unduly interfere with the normal course of business.

The full text of the proposed amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IV: SECRETARY OF STATE

PART 2005

THE USE OF THE CAPITOL COMPLEX FACILITIES

Section

2005.10 Applicability

2005.20 Definitions

2005.30 Business Hours and Public Access

2005.40 Prohibited Activities

2005.50 Demonstrations

2005.60 Use of Buildings for Non-Demonstration Activity or Fund Raising Events

2005.70 Distribution of Leaflets and Solicitations of Funds

2005.80 Secretary of State Police Department

2005.90 Severability

AUTHORITY: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

SOURCE: Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

Section 2005.40 Prohibited Activities

- a) No animals, except guide dogs to assist handicapped persons, shall be permitted in the buildings in the Capitol Complex.
- b) No person or organization shall camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on the grounds of or within the State Capitol, Visitors' Center, the Howlett Center Building, or the Stratton Building, except as provided in subsection (h) of this Section.
- c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.
- d) No banners, posters, placards, signs or symbols ~~posters or signs~~ may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director.
- e) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director is obtained pursuant to Section 2005.50(d). Permission will be granted

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

for demonstration only.

f) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols ~~signs or posters~~ for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the Capitol Complex.

g) No banner, poster, placard, sign or symbol may be displayed for more than two weeks within a six month period. This subsection (g) shall not apply to government sponsored educational, informational, or historical displays.

h) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director pursuant to Section 2005.50(d). Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the location designated by the Director, which location will not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds i.e., damage to grass or grounds which would require replacement. The only locations which are authorized for structures and displays shall be the paved areas between the Howlett Centennial Building and the Capitol Building, in the north front of the Howlett Centennial Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas which have an underground watering system on them.

i) ~~g~~ The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.

j) ~~h~~ The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals within the Capitol Building rotunda shall not exceed a decibel level of 85dB(A). If the noise level from these persons exceeds this limit, the Director shall direct all persons to decrease the noise or to reduce the numbers of people within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).

k) ~~g~~ No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds ~~groups~~ thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own actions or the actions of persons or organizations controlled or directed by them at the time of the damage to state property.

l) ~~g~~ No skateboard ~~skateboarding~~ riding is allowed in the Capitol Complex.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Local Tourism and Convention Bureau Program

2) Code Citation: 14 Ill. Adm. Code 550

3) Section Numbers: Adopted Action:
550.40 Amendment
550.50 Amendment

4) Statutory Authority: Implemented and authorized by 20 ILCS 605/46.6a.

5) Effective Date of Amendments: July 11, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 14, 1997

9) Notice of Proposal Published in Illinois Register: August 30, 1996 (20 Ill. Reg. 11515).

10) Has JCAR issued a Statement of objections to these amendments? No

11) Differences between proposal and final version: No

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The current State-administered rules are being updated to allow local Bureaus increased flexibility in time requirements for submitting project approval requests and to increase the maximum grants allowed from \$425,000.00 to \$600,000.00.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Sue Fierce, Grants Manager
Bureau of Tourism
Department of Commerce and Community Affairs
620 East Adams Street
Springfield, IL 62701
(217) 785-6337
T.D.D.: (217) 785-6055

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 550

LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section	Purpose
550.10	Definitions
550.20	Allocation of Appropriations to Grantees
550.30	Eligible Applicants
550.35	Program Requirements
550.40	Administrative Requirements
550.50	Application Process

AUTHORITY: Implementing Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 6734, effective 6/7/96.

Section 550.40 Program Requirements

- a) Project Approval Criteria
- 1) All projects/expenditures utilizing LTCB grant funds shall be submitted to the Department for review and approval prior to project initiation.
 - 2) When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall accompany the project request.
 - 3) All projects funded through the grant program shall incorporate the current Department logo, as approved by the Department, which identifies the project as being developed in cooperation with the DCCA/Bureau of Tourism. A bureau which fails to include the Department identification shall reimburse the Department for

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

State funds received in support of the project.

- 4) The date and quantity printed (e.g., 7/91-50/m) shall appear on brochures.
- 5) The bureau shall bear sole responsibility for accuracy of information contained within material produced with grant funds.
- 6) All printed projects that are funded through LTCB grant funds shall be available on a gratis basis - free of charge - to the public.
- 7) Bureaus shall allow a minimum of 15 calendar days prior to initiation of a project for review and notification. The Department shall waive the 15 calendar days prior notice requirement when unforeseen opportunities for promotional projects arise which require an immediate review and response by the Department. The project review request shall include the following information:
 - A) grant number;
 - B) project number;
 - C) bureau name;
 - D) project title;
 - E) description;
 - F) vendor name(s), description of services to be provided by vendor(s), and itemized costs;
 - G) estimated project cost, amount of LTCB funds, amount of local funds, total estimated project cost;
 - H) project requests which require waivers of the 15 working days prior notice shall include documentation to substantiate that such promotional projects require immediate review/approval by the Department to ensure the opportunities are not lost.
 - I) evidence of bid solicitation when the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$5,000;
 - ii) mock-ups or samples of projects;
 - iii) Department logo;
 - iv) whether project is outlined in LTCB "Line Item Budget"; and
 - v) review, approval, and sign-off.
- 8) If the project review request form is complete and is accompanied by the required supporting documentation, including current Department logo, and is determined to be an eligible project, the project will be approved, subject to fund availability.
- 9) Project costs shall be deducted from future grant payments when bureaus fail three times to submit project review requests for prior approval during the program year. Projects granted waivers of the 15 working days prior notice shall not be counted under this subsection.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

- 10) Within 30 days after completion of a project, up to 10% of the brochures printed may be required to be sent to the Department's tourist information centers. The Department reserves the right to request up to 10% of all other items produced with grant funds.
- 11) Project activities funded under this Part shall not duplicate any project funded by the Department.
- 12) Salaries and related payroll expenses for the program year shall not exceed half of the total grant funds.
 - A) 100% sales/promotion staff persons salary may be applied toward half of the total grant.
 - B) 50% Executive Director's salary may be applied toward half of the total grant.
- 13) Bureaus are prohibited from hiring any immediate family member of staff or immediate family member of a board member who is involved in the hiring decision of staff, if grant or match funds are utilized. Immediate family members shall include a spouse, mother, father, daughter, and son.
- b) Promotional Projects
 - 1) Examples of eligible promotional projects include, but are not limited to:
 - A) Brochures;
 - B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or travel expenses (transportation, lodging, per diem at State rate) for a maximum of 2 staff. Justification shall accompany requests for additional people to attend;
 - C) Sponsorship of familiarization tours;
 - D) Placement and production costs of newspaper, magazine, radio, or television advertising to promote travel. Advertising shall be placed outside a 65-mile radius of the attraction, event or area being promoted unless a major market (e.g., Chicago, St. Louis) falls within the 65-mile radius;
 - E) Membership dues for travel related associations or organizations;
 - F) Billboards;
 - G) Premiums/specialty items for promotional purposes with Department recognition (see subsection(a)(3));
 - H) Production of videos for use in familiarization or travel/trade industry;
 - I) Salaries (see subsection (a)(12));
 - J) Posters and flyers distributed outside of service area;
 - K) Projects distributed locally, if the bureau can demonstrate the project's ability to increase overnight stays in the service area;
 - L) Marketing research studies; and
 - M) "800" telephone lines for information.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

- 2) Examples of projects ineligible for grant promotional funding include, but are not limited to:
 - A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment);
 - B) Purchase of any alcoholic beverage;
 - C) Feasibility studies; and
 - D) Salaries of administrative or support staff.
- c) Administrative Activities
 - 1) Examples of activities eligible for grant administrative funding including, but are not limited to:
 - A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment); and
 - B) Salaries of administrative or support staff.
 - 2) Examples of activities ineligible for grant administrative funding include, but are not limited to:
 - A) Lease/purchase agreements for any items;
 - B) Purchase of equipment;
 - C) Purchase of any alcoholic beverage;
 - D) Feasibility studies; and
 - E) Penalties, fines, late payment fees, service or interest charges.
- d) All project activities shall be subject to prior approval as stated under subsection (a) of this Section.

(Source: Amended at 21 Ill. Reg. 9736, effective JUL 1 1993)

Section 550.50 Administrative Requirements

- a) Grant Limitation: No bureau shall receive a grant for funds allocated in accordance with Section 550.30(b) in excess of \$600,000 \$257,989 per fiscal year. A bureau may contact the Department for information regarding the amount of funds it is eligible to receive in accordance with Section 550.30.
- b) Administrative Costs: Administrative costs shall be limited to not more than 10% of the grant funds awarded (see Section 550.40(c)).
- c) Promotional Costs: Promotional costs shall be limited to not less than 90% of the grant funds awarded (see Section 550.40(b)).
- d) Matching Funds: Each bureau shall provide a dollar-for-dollar match for funds received under this program. Match expenditures shall equal or exceed grant funds expended, as well as any interest earned on grant funds which is also expended. Bureaus must receive prior Department approval (see Section 550.40(a)) on contractual cooperative promotional project agreements used to satisfy match requirements. In-kind contributions shall not be used to satisfy match requirements.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

The Department reserves the right to request additional information to clarify or document information on financial, programmatic, or personnel activities outlined in the reports.

- 1) Financial Reporting - Quarterly financial status reports shall be due no later than the 30th day of October, January, April and July and a lapse report shall be due September 15. The quarterly and lapse financial reports shall specify the grant number, grantee name, grant period, report period, bureau director's name/signature, and date. Additionally, the quarterly and lapse financial reports shall contain the following information which must be broken down between programmatic costs (to be at least 90% of grant total awarded), administrative costs (not to exceed 10% of grant total awarded), and match costs:

- A) Expenditure line-item breakout for State promotional costs indicating applicable report period which includes check number(s), project number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total promotional grant cost(s) expended for the report period.
- B) Expenditure line-item breakout for State administrative costs indicating applicable report period which includes check number(s), project number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total administrative grant costs expended for the report period.
- C) Expenditure line-item breakout for match costs indicating applicable report period which includes check number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total match cost(s) expended.
- D) Expenditure Summary which includes vendor name(s), description(s) of services, actual cost(s), cancelled check number(s), and total(s) for all actual cost(s) listed.
- E) Reimbursement Summary indicating report period which includes check number(s), check amount(s), reimbursement amount(s), cumulative balance, as well as totals for all figures.
- F) Personnel activity information for personnel paid with LTCB grant funds which shall include: bureau name; grant number; employee name, payroll title, and signature; time period covered; supervisor's signature as approval; employee monthly rate; percent of time spent on each activity; percent of time paid from LTCB grant funds and from local funds; description of activity (if job description is not on file in the Illinois Bureau of Tourism Office).
- G) Travel Expenditure Summary which includes applicable report period, traveler's name and signature, project number and title, date(s) of travel, destination(s), and allowable expenses (see subsection (h) of this Section).

2) Performance--Measurements--Summaries--shall--be--submitted---with quarterly-reports-and-shall-contain-the-following-information:

- 1) Local match shall:
 - A) be under the control of the bureau,
 - B) be identified in the bureau's grant application for the applicable fiscal year,
 - C) be expended during the applicable grant award period,
 - D) be supported by records of deposit and documentation of expenditures,
 - E) be expended by the bureau from funds in bureau accounts solely for the administration of the bureau and tourism promotion of their service area as a destination for overnight visitors, and
 - F) not be refunded to any local source of match and still qualify as match.
- 2) Sources of Eligible Match: The following monies, when received through a bureau's budget, may be used as match for State state grant funds:
 - A) local beach hotel/motel taxes,
 - B) membership dues,
 - C) interest on local monies,
 - D) cash contributions, and
 - E) federal Federal dollars deposited directly to the grantee for tourism promotional purposes which do not require a match.
- 3) Ineligible Match:
 - A) In-kind contributions such as donated services, donated space, donated equipment, services of volunteers, services in lieu of cash, or any non-monetary item;
 - B) State or federal funds other than those allowed in subsection (d)(2)(E) above;
 - C) Monies used as match for other State state or federal grants;
 - D) Penalties, fines, late payment fees, or interest charges; and
 - E) Pass-through accounts.
- e) Method of Compensation: Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.
 - 1) The bureau shall receive grant funds, as stipulated in the grant document, upon approval of its application by the Department and signature of the grant document by the Executive Director of the bureau and by the Department.
 - 2) Prior to funds being awarded, a bureau shall employ a full-time paid, professional Executive Director, devoting at least 35 hours per week to the development and growth of tourism within a bureau's region.
 - f) Reporting Requirements: The penalty for failure to comply with the timely submission of financial and programmatic reports (described in subsections (f)(1), (2), and (3) below) shall be the withholding of subsequent monthly grant checks until all required reports are filed.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

- A) Conventions---total---number---of-delegates-and-number-of-room nights;
 B) Motorcoach---total-number-of-room-nights,---total-number-of-overnight-tours,---and-total-number-of-day-tours;
 C) Trade-shows---total-number-of-room-nights,---total-number-of attendees,---and
 B) Special-events---total-number-of-room-nights,---total-number-of attendees.

23) Programmatic Reporting - Final programmatic reports shall be due September 15 for grant funds. Bureau name, grant period, name/title/signature of bureau staff person submitting report, grant number, and date submitted shall be specified. A comparison of results of promotional activities for the program year to those projected in grantee's Fiscal Year Marketing Plan as submitted in the application must be provided, consisting of a brief narrative as to how the bureau's service area was benefited from these expenditures. Activity for LTCB-funded projects shall be broken down by project type as follows:

- A) Meeting and Convention Market
 B) Motorcoach and Group Tour Market
 C) Festival/Special Events
 D) Consumer/Leisure Market
 E) Miscellaneous Projects

g) Financial Management Standards: A bureau's financial management systems shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (1211 Avenue of the Americas, New York, N.Y. 10036-8775) September 19, 1987 with no later amendments or editions. The bureau shall be accountable for all funds received under this program. The bureau shall maintain effective control and accountability over all funds, property, and other assets under the grant as required by the Department. The bureau shall keep records which detail the expenditures of grant and match funds and accurately document such expenditures.

h) Travel Expenses: Costs in accordance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by employees who are in travel status for official business outside the bureau's service area. The bureau shall retain receipts as source documentation for travel expenses of its employees. The bureau shall also submit to the Department a completed report for travel expenses with the quarterly reports.

i) Monitoring: The Department shall on-site monitor each bureau funded under this program periodically by visits throughout the period covered under the grant agreement. The Department will notify the bureau at least two working days in advance of monitoring visits. The bureau's internal procedures, financial reporting, and program shall

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

be evaluated for compliance with terms and conditions of the grant document. The Department reserves the right to request additional information prior to, during, or subsequent to monitoring visits.

j) Interest on Grant Funds: All interest earned on LTCB grant funds held by the bureau under the grant shall be spent on promotional projects approved by the Department, or returned to the Department at the end of the grant period.

k) Obligation of Grant Funds: All grant funds shall be obligated with respective vendor(s) prior to June 30 of the current fiscal year. Any grant funds not obligated (unobligated funds) shall be refunded to the Department by October 15. In addition, the bureau shall repay the Department for any funds that are determined by the Department through monitoring (subsection (i) of this Section) and audit (subsection (l) of this Section) to have been spent in violation of the grant document. All obligations shall be expended on or before ~~prior-to~~ August 31.

l) Audits: The bureau shall conduct an audit of all grant and match program records which reflect the actual activities conducted and the actual costs and expenses incurred by the bureau using an independent certified public accountant, licensed by authority of the State of Illinois. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the Codification of Statements on Auditing Standards (January 1983) of the AICPA and shall be submitted to the Department within twelve months after the end of the grantee's fiscal year. Any bureau determined to have misused program funds by fraud as a result of an audit shall be ineligible to apply for and receive funds under this program for a period not to exceed two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.

m) Nondiscrimination: Bureaus shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; Section 504 and the equal opportunity clause promulgated thereto of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (1994); The Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (1994); and Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 1981 et seq. (1994).

n) Complaint Process: In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

o) Bids Solicitation: When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall accompany the project request. Evidence of compliance with this subsection (i.e., copies of at least two bid proposals) shall be submitted with project approval request. For any purchasing and/or printing costs where the lowest bid is not accepted,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

documentation (e.g., project specifications and quality requirements) shall be submitted with project approval request.

- p) Bid Rigging/Rotating: Bureaus shall certify that they have not been barred from bidding on or receiving State contracts as a result of illegal bid rigging or bid rotating as defined Sections 33E-3 and 33E-4 of the Criminal Code of 1961 (720 ILCS 5/33E-3 and 33E-4).

- q) Separate Account: A separate bank account shall be established for the purpose of this program. Two authorizing signatures shall be required for the account. Only grant funds received under this program shall be deposited in this account unless local funds are deposited in the account to maintain a minimum balance to avoid finance charges.

- r) Suspension and Termination:

1) If a bureau has failed to comply with the terms and conditions of the grant document, the Department shall suspend the grant and withhold further payments until the grant is terminated, or the bureau has achieved compliance. The Department will determine that a bureau has failed to comply with the terms and conditions of a grant when:

- A) The bureau has been notified in writing of the existence of circumstances which the Department considers to be inconsistent with the terms and conditions of the grant (e.g., consistent failure to submit required reports or evidence of fraud and abuse); and
- B) The bureau fails to develop, submit, and implement a corrective action plan within 45 days after of the Department's notice.

- 2) A grant shall be terminated in the absence of full State funding; if the Department determines that the bureau has failed to comply with the terms and conditions of the grant in whole or in part; or if the Department and the bureau agree to terminate the grant.

- s) Reallocation of Funds: The grantee shall be required to identify that amount of its grant funds which will not be fully obligated by the end of the fiscal year, on or before May 1 of the current fiscal year. The grant document shall be decreased by the specified amount and such funds shall be reallocated by the Department to grantees who apply for (see application procedures specified in Section 550.60(d)) and can utilize available funds by the end of the fiscal year for new promotional projects.

- t) Bribery: The bureau's executive director/chief executive officer certifies to the best of his/her knowledge that no official, agent, or employee of the grantee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any such officer, agent, or employee made an admission of guilt of such conduct which is a matter of record.

- u) Conflict of Interest:

1) The bureau shall certify that no person who in any manner governs, advises, consults with, is employed by, is an officer

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

of, or is an elected or appointed official of the bureau, or any governing board or entity of the bureau, nor any husband, wife, or minor child of that person, shall be in any manner interested, either directly or indirectly, in any contract or work awarded by the bureau unless the following requirements are met:

- A) The bureau notifies the Department, in writing, of the nature of the conflict of interest and receives written notification of approval from the Department to proceed with the process of bidding or letting of the contract. The Department shall approve if the bureau demonstrates that the best interest of the State outweighs ~~outweighs~~ the conflict of interest at issue; and
- B) The bureau discloses, for the record, the existence of the conflict of interest at any meeting held to consider the acceptance of bids or letting of contracts; the interested person abstains from discussing, voting on, or influencing the acceptance of bids or letting of contracts, and removes himself or herself from the meeting room during the time the bids or contracts are discussed and voted upon.
- 2) Violations of this provision shall result in suspension or revocation of the grant, or both, and reimbursement to the Department by the bureau of grant funds. Violators shall also be criminally liable under other applicable State laws and subject to actions up to and including felony prosecution.

(Source: Amended, at Ill. Reg. 21 Ill. Reg. 6-30, effective 1/1/93)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Confidential Contracts2) Code Citation: 83 Ill. Adm. Code 3353) Section Numbers: Adopted Action:

335.10	New Section
335.100	New Section
335.110	New Section
335.120	New Section
335.130	New Section
335.140	New Section
335.150	New Section
Appendix A	New Section
Appendix B	New Section

4) Statutory Authority: Implementing Section 9-102.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-102.1 and 10-101].5) Effective Date of Rules: July 15, 19976) Does this rulemaking contain an automatic repeal date? No7) Do these rules contain incorporations by reference? No8) Date filed in Agency's Principal Office: July 9, 19979) Notice of Proposal Published in Illinois Register: March 28, 1997, 21 Ill. Reg. 378710) Has JCAR issued a Statement of Objections to these rules: No11) Differences between proposal and final version:

Section 335.110(e): Moved the following language to create subsection (f):

Nothing in this Part shall preclude the public utility from seeking appropriate legal redress including all costs, losses or damages, including attorneys fees, resulting directly or indirectly from disclosure or use of the terms of a contract filed under Section 9-102.1(a) of the Act or information related to such a contract, the disclosure or use of which is in violation of the terms of an agreement executed pursuant to this Section.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these rules replace emergency rules currently in effect? Yes

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rules: On August 2, 1996, P.A. 89-600 became effective, adding Section 9-102.1 to the Public Utilities Act (Act). Section 9-102.1 allows the Illinois Commerce Commission (Commission) to approve rate schedules filed by a public utility that enable the public utility to provide service to customers under contracts that are treated as proprietary and confidential by the Commission notwithstanding the filing thereof. Service under the contracts shall be provided on such terms and for such rates or charges as the public utility and the customer agree upon, without regard to any rate schedules the public utility may have filed with the Commission under any other Section of Article IX of the Act. This modifies the requirement that all contracts and rates of a public utility be publicly available. These rules establish the requirements for access, determines a procedure to follow when a utility disputes an authorized agency's choice of a person to be given access to the subject contracts, and fixes sanctions for abuse of access to confidential contracts.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
Phone: (217)785-3922

The full text of the Adopted Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

proof of such notice in the filing with the Commission. The notice shall include the name of the public utility, the date of filing the contract with the Commission and sufficient information to identify the contract. However, the notice need not contain the name of the customer.

SUBPART B: ACCESS TO CONTRACTS

Section 335.100 Access to Confidential Contracts

The Attorney General of the State of Illinois, the Citizens Utility Board (see 220 ILCS 10), and the Office of Public Counsel (see 220 ILCS 5/11-201) are authorized agencies ("authorized agency") by Section 9-102.1(d) of the Act and have access to those contracts for the provision of utility services filed by public utilities on a confidential or proprietary basis pursuant to Section 9-102.1(a) of the Act.

Section 335.110 Form of Access

- a) Except as provided in subsections (b) and (c) of this Section, access to contracts filed pursuant to Section 9-102.1(a) of the Act shall be limited to inspection in the offices of the Commission in Chicago or Springfield, provided that the employee or agent of the authorized agency has on file with the Commission a confidentiality agreement as provided in subsections (d) and (e) of this Section. During the inspection, no copies may be made of any contract filed under Section 9-102.1(a) of the Act.
- b) An authorized agency, subject to providing a confidentiality agreement as provided in subsection (d), shall be permitted to receive from the public utility one copy of the contract filed pursuant to Section 9-102.1(a) of the Act for review. This copy may be redacted to exclude the name, address and the service address(es) of the customer. The contract shall be provided to the authorized agency within five business days after the later of the effective date of the confidentiality agreement or the request of the authorized agency for such access. In addition, upon the request of the authorized agency, the public utility shall provide the redacted information to the authorized agency within five days after the request. This information shall be included as information obtained pursuant to the terms of the confidentiality agreement. The authorized agency shall be permitted to retain the contract as provided in Section 335.120. During any period of time while the contract is in the possession of the authorized agency, the contract shall be kept and maintained in accordance with the security procedures specified in Section 335.130. The authorized agency shall permit review of the contract in its possession only by individuals qualified to review such contracts in accordance with subsections (d) and (e) of this Section.
- c) An individual employed by the authorized agency either on an

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER B: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 335
CONFIDENTIAL CONTRACTS

SUBPART A: FILING OF CONFIDENTIAL CONTRACTS

Section 335.10 Filing of Confidential Contracts

SUBPART B: ACCESS TO CONTRACTS

Section 335.100 Access to Confidential Contracts

Form of Access

Scope and Duration of Access

Security for Contracts

Enforcement

Contested Access

APPENDIX A Agreement for Full-time Employees of Authorized Agencies

APPENDIX B Agreement for Part-time Employees or Independent Contractors of Authorized Agencies

AUTHORITY: Implementing Section 9-102.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-102.1 and 10-101].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 4008, effective March 14, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 6744, effective 6/1/97.

SUBPART A: FILING OF CONFIDENTIAL CONTRACTS

Section 335.10 Filing of Confidential Contracts

- a) Any public utility that files a contract pursuant to a rate schedule that has been approved by the Illinois Commerce Commission ("Commission") and that enables the public utility to provide service to customers under contracts that, pursuant to Section 9-102.1(a) of the Public Utilities Act ("Act") [220 ILCS 5/9-102.1(a)], are treated as proprietary and confidential by the Commission ("contract") shall file two copies of the contract with the Chief Clerk of the Commission in the Springfield office of the Commission.
- b) Any public utility that files a contract under subsection (a) of this Section shall also send written notice of such filing to any entity listed as an authorized agency in Section 335.100, and shall include

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

independent or part-time basis ("independent contractor") qualified in accordance with the provisions of subsection (e) of this Section shall be permitted to receive from the authorized agency the authorized agency's copy of the contract filed pursuant to Section 9-102.1(a) of the Act for review at the independent contractor's premises. The contract provided for such review may be redacted to exclude the name, address and the service address(es) of the customer, and to the extent that the redacted information has been made available to the authorized agency pursuant to subsection (b) above, such information may be shared with the independent contractor, provided that the information remains protected under the confidentiality agreement. The independent contractor shall be permitted to retain the contract as provided in Section 335.120. During any period of time the contract is in the possession of the independent contractor, the contract shall be maintained in accordance with the security procedures specified in Section 335.130. The independent contractor shall permit review of the contract in its possession only by individuals qualified to review such contracts in accordance with subsections (d) and (e) of this Section.

d) A full-time employee of an authorized agency who is seeking access to any contract filed pursuant to Section 9-102.1(a) of the Act shall present to the public utility, for filing with the Chief Clerk of the Commission, a signed confidentiality agreement, as set forth in Appendix A, indicating that he/she is a full-time employee of the authorized agency and setting forth the employee's and authorized agency's agreement to maintain the confidential nature of the contract. Such confidentiality agreement shall extend to all information contained in the contract and any information redacted from the contract and subsequently provided by the public utility and shall limit the use of the contract or any included information for purposes of review for compliance with the Act. The form shall be signed by all the full-time employees who are to have access to the contract and shall also be signed by the executive director of the Citizens Utility Board, the Attorney General or his/her designee, or the Public Counsel or his/her designee, as appropriate.

e) In those instances in which the person who is seeking access to contracts is an independent contractor retained or employed by the authorized agency, the independent contractor shall present to the public utility, for filing with the Chief Clerk of the Commission, a signed confidentiality agreement, as set forth in Appendix B, indicating that he/she is an independent contractor employed or retained by the authorized agency and setting forth the independent contractor's agreement to maintain the confidential nature of the contract. Where the authorized agency's copy of the contract is to be provided to the independent contractor for use at his/her premises, the authorized agency shall provide notice of such action to the public utility. In addition to the requirements set forth in subsection (c), the confidentiality agreement shall require the

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

independent contractor to certify that the independent contractor is not, and will not for a period of one year after the date the independent contractor's right to access to the contracts under the confidentiality agreement terminates, provide consulting or other services to a competitor of the public utility or to a customer of the public utility relating to negotiations for a contract for rates for utility services or that are otherwise related in subject matter or scope to the material issues in the contract for which access is sought. An officer of the public utility that filed the contract must sign the confidentiality agreement indicating the public utility's acquiescence to the independent contractor's access to the contract prior to such access being granted. The public utility shall have 10 business days to respond to the independent contractor's request for access to the contract.

f) Nothing in this Part shall preclude the public utility from seeking appropriate legal redress, including all costs, losses or damages, including attorneys fees, resulting directly or indirectly from disclosure or use of the terms of a contract filed under Section 9-102.1(a) of the Act or information related to such a contract, the disclosure or use of which is in violation of the terms of an agreement executed pursuant to this Section.

Section 335.120 Scope and Duration of Access

a) An agreement authorizing access to a contract subject to this Part shall be effective for only that contract. The access so granted shall be valid for the earliest of:

- 1) one year from the effective date of any such agreement; or
- 2) the date on which the employment or consulting contract with the authorized agency of the person so granted access is terminated; or

3) the date on which the public utility terminates the access of the person for cause in accordance with Section 335.140.

b) The confidentiality requirements stated in an agreement authorizing access to the contract subject to this Part shall permanently remain in effect unless, until, and to the extent that, the information contained in the contract becomes part of the public domain otherwise than through a breach of the confidentiality agreement by a party authorized to have access to the contract pursuant to this Part.

c) Subject to the effectiveness of a valid confidentiality agreement and compliance with the provisions of this Part, the authorized agency shall be permitted to retain the contract for a period of 90 days from the date on which the public utility provides the contract to the authorized agency ("retention period"). The authorized agency may request and obtain one extension for an additional 90 day period by notifying the public utility and requesting the extension, subject to a valid confidentiality agreement and the other provisions of this Part. At the termination of the retention period and any extension,

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

the contract shall be returned to the public utility that provided the contract.

- d) After the retention period and any extension, an authorized agency shall, upon request, be granted one additional 90 day period to have the contract at its premises, at any time during the duration of the contract, subject to a valid confidentiality agreement and subject to all the restrictions as set forth in this Part.
- e) Access to the contract subject to this Part shall be permitted at any time during the term of the contract in the offices of the Commission in Chicago and Springfield, subject to a valid confidentiality agreement and all the provisions of this Part.

Section 335.130 Security for Contracts

All copies of the contracts provided to authorized agencies pursuant to this Part shall be marked by the public utility in such manner to identify the copies as copies provided to that agency and shall be maintained at all times, while in the possession of the authorized agency or an independent contractor retained by an authorized agency, in a locked or secured location and not available to anyone other than those individuals who have signed the confidentiality agreements. The authorized agency, part-time employee, or independent contractor shall not duplicate or reproduce in any manner the contract provided under this Part.

Section 335.140 Enforcement

- a) In those instances in which the contract provided pursuant to Section 335.110 is duplicated or the information contained in the contract is used in violation of the terms of the confidentiality agreement, the authorized agency responsible for maintaining the confidential nature of the contract shall lose its privileges to have the copies provided at its office, pursuant to Section 335.110(b) and (c), for a period of one year. The authorized agency would then only be able to view such contracts in the offices of the Commission during that one year interim period as provided in Section 335.110(a). If the public utility has a reasonable belief that the contract, provided pursuant to Section 335.110 to an authorized agency, was duplicated or the information contained in the contract was used in violation of the terms of the agreement, the public utility shall give notice to the authorized agency and the Commission of the circumstances and the public utility may discontinue providing copies of further contracts to such authorized agency for one year or until the authorized agency shows to the satisfaction of the public utility or the Commission that the authorized agency was at all times relevant in full compliance with the terms and conditions of the confidentiality agreement and this Part.

- b) The unauthorized copying of the contract or the unauthorized disclosure by an independent contractor of the information contained

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

in the contract filed pursuant to Section 9-102.1(a) of the Act shall be good cause for a public utility to find such person unacceptable for access to future contracts subject to provisions of Section 335.150.

- c) The unauthorized copying of the contract or the unauthorized disclosure by the independent contractor of the information contained in the contract filed pursuant to Section 9-102.1(a) of the Act shall constitute good cause for the public utility to terminate access to the contract currently in the possession of such independent contractor.

Section 335.150 Contested Access

Should the public utility refuse to acquiesce to the independent contractor's request for access to the contract, the authorized agency may file a petition under the Commission's Rules of Practice (83 Ill. Adm. Code 200) seeking a finding by the Commission pursuant to Section 9-102(d)(ii) of the Act that the independent contractor is acceptable to have access to the contract pursuant to this Part. The petition shall name the public utility as the respondent.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 335.APPENDIX A Agreement for Full-time Employees of Authorized Agencies

AGREEMENTS UNDER SECTION 9-102.1 OF THE PUBLIC UTILITIES ACT
ACCESS FOR FULL-TIME EMPLOYEES OF THE
ATTORNEY GENERAL OF THE STATE OF ILLINOIS,
THE CITIZENS UTILITY BOARD AND
THE OFFICE OF PUBLIC COUNSEL

Section 1 (must be completed)

1. The undersigned are full-time employee(s) of the [Citizens Utility Board] [Office of the Attorney General] [Office of Public Counsel] (the authorized agency) and enter into this confidentiality agreement in connection with access to a certain contract identified as _____ (contract) which with the Illinois Commerce Commission (utility), an Illinois public utility, has filed Section 9-102.1 of the Public Utilities Act. The effective date of this agreement is _____. The undersigned agrees not to copy, duplicate, or reproduce in any manner the contract and not to use the information contained in the contract for purposes other than reviewing it for compliance with the Public Utilities Act [220 ILCS 5]. The undersigned also agrees to keep the contract and all information contained therein, and any information redacted in accordance with 83 Ill. Adm. Code 335.110(b) or (c) confidential, and not to divulge the terms of the contract or any confidential information coming to my knowledge from the contract to any person other than a person authorized to receive access to such confidential contract pursuant to Section 9-102.1 of the Public Utilities Act who has executed a confidentiality agreement pursuant to 83 Ill. Adm. Code 335 (Part 335) with respect to the contract. The undersigned agrees that he/she/they have reviewed and understand and will comply fully with the provisions of Part 335.

2. If the authorized agency receives a copy of the contract for review in accordance with 83 Ill. Adm. Code 335.110(b), the undersigned agrees that, at the earlier of the end of the retention period (as defined in 83 Ill. Adm. Code 335.120(c)) or such extended or additional period as is permitted under 83 Ill. Adm. Code 335.120(c) or (d); or the date that the undersigned's right of access to the contract terminates in accordance with Paragraph 3 below, the authorized agency shall return the contract to the utility.

3. The confidentiality requirements stated in this agreement shall remain permanently in effect unless, until, and to the extent that the information contained in the contract becomes part of the public domain otherwise than through the breach of a confidentiality agreement by a party authorized to have access to the contract pursuant to Part 335. Access to the contract shall be permitted by this agreement until the earliest of (i) one year from the effective date; (ii) the date on which the full-time employment of the undersigned with the authorized agency is terminated; or (iii) (with respect to

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

access to a copy for review at the office of the authorized agency pursuant to 83 Ill. Adm. Code 335.110(b) only) the date on which access terminates in accordance with 83 Ill. Adm. Code 335.140.

Full Time Employees:

Signature: _____ Name & Title: _____ Date _____

Section 2 (must be completed)

I, _____, the [Executive Director of the Citizens Utility Board] [Attorney General or his/her designee] [Public Counsel or his/her designee], hereby certify that the person(s) named above is (are) a full-time employee(s) of the authorized agency. The authorized agency agrees not to copy or duplicate the contract and not to use the information contained in the contract for purposes other than for reviewing it for compliance with the Public Utilities Act [220 ILCS 5]. The authorized agency also agrees to keep this agreement, the contract and all information contained therein, and any information redacted in accordance with 83 Ill. Adm. Code 335.110(b) or (c), confidential, and not to divulge the terms of the contract or any confidential information which is the subject of this agreement to any person other than a person authorized to receive access to such confidential contracts pursuant to Section 9-102.1 of the Public Utilities Act who has executed a confidentiality agreement pursuant to Part 335 with respect to the contract.

Dated:

Signature _____

Title _____

Section 3 (must be completed)

I, _____, an officer of _____, an Illinois public utility, agree that the foregoing terms are consistent with the provisions of 83 Ill. Adm. Code 335, and thus forward this agreement to the Chief Clerk of the Illinois Commerce Commission in accordance with 83 Ill. Adm. Code 335.110(d).

Dated:

Signature _____

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED RULES

Title

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED RULES

Section 335.APPENDIX B Agreement for Part-time Employees or Independent Contractors of Authorized Agencies

ACCESS FOR PART-TIME EMPLOYEES OR INDEPENDENT CONTRACTORS
RETAINED BY THE ATTORNEY GENERAL OF THE STATE OF ILLINOIS,
THE CITIZENS UTILITY BOARD OR THE OFFICE OF PUBLIC COUNSEL

Section 1 (must be completed)

1. I, _____, enter into this agreement for the purpose of receiving _____ access to a certain contract identified as _____ (contract) which _____ (utility), an Illinois public utility, has filed with the Illinois Commerce Commission on a confidential basis pursuant to Section 9-102.1 of the Public Utilities Act. The effective date of this agreement (effective date) is _____. I am a part-time employee of or independent contractor (independent contractor) employed/retained by the [Citizens Utility Board] [Office of the Attorney General] [Office of Public Counsel] (the authorized agency), and I hereby agree not to copy or duplicate the contract and not to use the information contained in the contract for purposes other than for reviewing it for compliance with the Public Utilities Act [220 ILCS 5]. I agree to keep the contract and all information contained therein, and any information redacted in accordance with 83 Ill. Adm. Code 335.110(b) or (c), confidential; and not to divulge the terms of the contract or any information coming to my knowledge from the contract to any person other than a person authorized to have access to the contract pursuant to Section 9-102.1 of the Public Utilities Act who has executed a confidentiality agreement pursuant to 83 Ill. Adm. Code 335 with respect to the contract.

2. I certify that I am not currently providing and will not provide, for a period of one year from the date that my right of access to the contract under this agreement terminates, consulting or other services to a competitor of the utility or a customer of the utility which consulting or other services relate to negotiations for a contract for rates for utility service or otherwise relate in subject matter or scope to material terms of the contract.

3. I understand that, if I breach this confidentiality agreement, the utility may bring a legal action seeking recovery of all costs, losses or damage, including attorneys' fees, resulting directly or indirectly from disclosure or use of any information contained in the contract in violation of this agreement.

4. Access to the contract shall be permitted by this agreement until the earliest of: (i) one year from the effective date; (ii) the date on which my employment or consulting contract with the authorized agency is terminated; or (iii) the date on which the utility terminates my right of access to the contract for cause in accordance with 83 Ill. Adm. Code 335.140.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

5. The confidentiality requirements stated in this agreement shall remain permanently in effect unless, until and to the extent that information contained in the contract becomes part of the public domain otherwise than through the breach of a confidentiality agreement by a party authorized to have access to the contract pursuant to 83 Ill. Adm. Code 335 (Part 335).

6. If I receive the authorized agency's copy of the contract for review at my premises in accordance with 83 Ill. Adm. Code 335.110(c), I agree to maintain the contract in a locked or secured location and to ensure that the contract is not made available to anyone other than individuals who are authorized by the provisions of Part 335 to review the contract and who have executed a confidentiality agreement pursuant to Part 335 with respect to the contract. I agree not to duplicate or reproduce the contract in any manner. I further agree that, at the earlier of the end of the retention period (as defined in 83 Ill. Adm. Code 335.120(c)) or such extended or additional period as is permitted under 83 Ill. Adm. Code 335.120(c) or (d); or the date that my right of access to the contract terminates in accordance with Paragraph 4 above, I will return the contract to the authorized agency for return to the public utility.

7. I acknowledge that I have reviewed the provisions of Part 335 and that I understand and will fully comply with those provisions.

8. The utility may make a reasonable inquiry into the facts required to establish that I have implemented and enforced reasonable procedures to ensure that the terms and conditions of this agreement are fully complied with and I agree to furnish the utility with the information that is reasonably necessary to conduct such an inquiry. If, as a result of such inquiry, the utility has reason to believe that I am failing to comply with this agreement, the utility may take such action as it determines is necessary to protect its interests, including, but not limited to, terminating this agreement and directing the return of all contracts provided pursuant to this agreement.

Dated:

Signature

Title

Section 2 (must be completed)

I, , the/a [Executive Director of the Citizens Utility Board] [Attorney General or his/her designee] [Public Counsel or his/her designee], hereby certify that the person whose signature appears above is a part-time employee of or an independent contractor employed/retained by the authorized agency. The authorized agency agrees not to copy or duplicate the contract and not to use the information contained in the contract for purposes other than for reviewing it for compliance with the Public Utilities Act [220

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

ILCS 5]. The authorized agency also agrees to keep this agreement, the contract and all information contained therein, and any information redacted in accordance with 83 Ill. Adm. Code 335.110(b) or (c), confidential, and not to divulge the terms of the contract or any confidential information which is the subject of this agreement to any person other than a person authorized to receive access to such confidential contracts pursuant to Section 9-102.1 of the Public Utilities Act who has executed a confidentiality agreement pursuant to 83 Ill. Adm. Code 335 with respect to the contract.

Dated:

Signature

Title

Section 3 (must be completed)

I, , an officer of , an Illinois public utility, state that the person whose name appears in Section 1 is acceptable for purposes of being given access to the contract pursuant to the terms of this agreement, and that this agreement should be filed with the Chief Clerk of the Illinois Commerce Commission in accordance with 83 Ill. Adm. Code 335.110(d).

Dated:

Signature

Title

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED RULE

1301 Concordia Court
P. O. Box 19277
Springfield, IL 62794-9277
217/522-2666, extension 2082

The full text of the Adopted Rulemaking begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED RULE

1) Heading of the Part: Reimbursement for Expenses

2) Code Citation: 20 Ill. Adm. Code 110

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.10	New Section
110.15	New Section
110.20	New Section
110.25	New Section
110.30	New Section
110.35	New Section

4) Statutory Authority: Implementing and authorized by Sections 3-7-6 and 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-7-6 and 3-2-2].

5) Effective Date of Rule(s) (Amendments, Repeal): July 15, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain an incorporation by reference? No

8) Date Filed in Agency's Principal Office: July 8, 1997

9) Notice(s) of Proposal Published in Illinois Register: March 21, 1997, 21 Ill. Reg. 3360

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.

13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rulemaking is to inform the public and committed persons of the procedures for seeking reimbursement from committed persons or their estates for expenses incurred while incarcerated.

16) Information and questions regarding this adopted rulemaking shall be directed to:

Donald N. Snyder, Jr., Deputy Director
Department of Corrections

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED RULE

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER 1: DEPARTMENT OF CORRECTIONS

SUBCHAPTER a: ADMINISTRATION AND RULES

PART 110
REIMBURSEMENT FOR EXPENSES

SECTION

110.10 Applicability

110.15 Definitions

110.20 Responsibilities

110.25 Charges for Expenses for Costs of Incarceration

110.30 Liability for Expenses

110.35 Guidelines for Referral to Attorney General

AUTHORITY: Implementing Section 3-7-6 and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-7-6 and 3-2-2].

SOURCE: Adopted at 21 Reg. 9758, effective JUL 15 1997.

Section 110.10 Applicability

This Part applies to the Adult and Juvenile Divisions of the Department of Corrections.

Section 110.15 Definitions

"Assets" as defined in Section 3-7-6 of the Unified Code of Corrections [730 ILCS 5/3-7-6] means any and all assets and property of whatever character held in the name of the convicted person, held for the benefit of the person, or payable or otherwise deliverable to the person. Any trust, or portion of a trust, of which a convicted person is a beneficiary shall be construed as an asset of the person if under terms of the trust benefits are required to be payable to the person.

"Average per capita cost" means the amount calculated for the average per capita cost per day for all committed persons of a particular correctional facility for the fiscal year for which the rate is being calculated.

"Convicted person" means a person who has been sentenced and is presently or was previously committed to the Department.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED RULE

"Gang-related activity" has the same meaning ascribed to it as in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act [740 ILCS 147/10].

Section 110.20 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

Section 110.25 Charges for Expenses for Costs of Incarceration

- a) The time period for determining the costs of incarcerating a convicted person shall be calculated from the date the person was confined within the Department or from July 1, 1982, whichever date is later, until the date the person is released.
- b) The maximum rate at which sums shall be charged for the expenses incurred by a convicted person committed to a Department correctional facility for his or her incarceration shall be computed as the average per capita cost per day for all convicted persons of the particular correctional facility in which the convicted person is incarcerated for the fiscal year during which the convicted person was incarcerated or the average per capita cost for the most recent fiscal year in which a final average per capita cost is known.
- c) The average per capita cost of incarceration for a given Department correctional facility shall be computed by determining the total amount of operational expenditures for a given fiscal year for the particular correctional facility and dividing the expenditures by the average daily convicted person population for that particular correctional facility during that fiscal year.
- d) The average per capita cost per day for each Department correctional facility shall be recalculated annually by the Department as soon as the figures of the preceding fiscal year are available.
- e) The convicted person shall be charged for the time housed at each correctional facility.
- f) Payments received on behalf of a particular convicted person, regardless of source, shall be accepted and credited against the expenses charged to the particular convicted person.

Section 110.30 Liability for Expenses

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED RULE

A convicted person committed to a Department correctional facility shall be responsible for reimbursing the Department for the expenses incurred by his or her incarceration or for the expenses incurred during incarceration as provided by statute and Department rules, such as educational, medical, or dental expenses.

Section 110.35 Guidelines for Referral to Attorney General

- a) The Director may, when he or she knows or reasonably believes that a convicted person committed to a Department correctional facility or the estate of that person has assets which may be used to satisfy all or part of a judgment rendered under Section 3-7-6 of the Unified Code of Corrections [730 ILCS 5/3-7-6] or when he or she knows or reasonably believes that a convicted person committed to a Department correctional facility is engaged in a gang-related activity and has a substantial sum of money or other assets, authorize the Attorney General to institute proceedings to require the convicted person or the estate of that person to reimburse the Department for expenses incurred by the convicted person's incarceration.
- b) The Director shall refrain from authorizing the Attorney General to institute proceedings to require a convicted person or the estate of that person to reimburse the Department for the expenses incurred by the convicted person's incarceration when he or she knows or reasonably believes the convicted person or their estate does not have assets in excess of the exemptions from enforcement provided for by Sections 12-704, 12-803, 12-804, 12-901, or 12-1001 of the Code of Civil Procedure [735 ILCS 5/12-704, 12-803, 12-804, 12-901, or 12-1001] or any federal statute or case law exempting the asset in question.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.Table B Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: July 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 15, 1997
- 9) Notice of Proposal Published in Illinois Register: March 14, 1997 (21 Ill. Reg. 3042)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments?
No
- 11) Differences between proposal and final version:

The second sentence of the introductory paragraph has been revised to read, "Geographic areas are referenced in Sections 140.555, 140.560, 140.561 and 140.578, 89 Ill. Adm. Code 144 and 89 Ill. Adm. Code 147."

Subsection (j) has been revised by changing "JoDavieess" to "Jo Davieess".

No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the Agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
Yes
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.3	Amendment	March 21, 1997 (21 Ill. Reg. 3423)
140.5	Amendment	March 21, 1997 (21 Ill. Reg. 3423)
140.420	Amendment	March 21, 1997 (21 Ill. Reg. 3423)
140.421	Amendment	March 21, 1997 (21 Ill. Reg. 3423)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Amendments are being proposed to TABLE B to redefine outdated Health Service Areas (HSAs) that have been utilized in rate setting for long term care services. The proposed amendments group counties into newly defined geographic areas, based upon unique labor force factors, which coordinate with the current reimbursement methodology. Modification of the Department's geographic classifications for long term care services was necessary for rates established July 1, 1996. These proposed amendments are being made in conjunction with adopted amendments to Sections 140.555, 140.560, 140.561 and 140.578 that were published on November 15, 1996, at 20 Ill. Reg. 14845, and adopted amendments to 89 Ill. Adm. Code 153 that were published on November 15, 1996, at 20 Ill. Reg. 14840. These proposed amendments will not result in any additional expenditures.

- 16) Information and questions regarding these Adopted Amendments shall be directed to

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, IL 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.72 Drug Manual (Recodified)
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation on Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
 140.432 Limitations on Independent Laboratory Services
 140.433 Payment for Laboratory Services
 140.434 Record Requirements for Independent Laboratories
 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.440 Pharmacy Services
 140.441 Pharmacy Services Not Covered
 140.442 Prior Approval of Prescriptions
 140.443 Filling of Prescriptions
 140.444 Compounded Prescriptions
 140.445 Legend Prescription Items (Not Compounded)
 140.446 Over-the-Counter Items
 140.447 Reimbursement
 140.448 Returned Pharmacy Items
 140.449 Payment of Pharmacy Items
 140.450 Record Requirements for Pharmacies
 140.452 Mental Health Clinic Services
 140.453 Definitions
 140.454 Types of Mental Health Clinic Services
 140.455 Payment for Mental Health Clinic Services
 140.456 Hearings
 140.457 Therapy Services
 140.458 Prior Approval for Therapy Services
 140.459 Payment for Therapy Services
 140.460 Clinic Services
 140.461 Clinic Participation, Data and Certification Requirements
 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
 140.467 Independent Clinics
 140.469 Hospice
 140.470 Home Health Services
 140.471 Home Health Covered Services
 140.472 Types of Home Health Services
 140.473 Prior Approval for Home Health Services
 140.474 Payment for Home Health Services
 140.475 Medical Equipment, Supplies and Prosthetic Devices
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
 140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichex Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.493 Payment for Helicopter Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Long Term Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life (Repealed)
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment
 140.512 Utilization Control
 140.513 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
 140.524 Cessation of Payment Due to Loss of License
 140.525 Quality Incentive Program (QUIP) Payment Levels
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
 140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.584 Illinois Municipal Retirement Fund (IMRF)
 140.590 Audit and Record Requirements
 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
 140.643 In-Home Care Program
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNP) and Residential (ICF/MR) Facilities
 140.647 Description of Developmental Training (DT) Services
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.650 Certification of Developmental Training (DT) Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.680 Effective Date Of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
 140.901 Functional Areas of Needs (Recodified)
 140.902 Service Needs (Recodified)
 140.903 Definitions (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.541 Salaries Paid to Owners or Related Parties
 140.542 Cost Reports-Filing Requirements
 140.543 Time Standards for Filing Cost Reports
 140.544 Access to Cost Reports (Repealed)
 140.545 Penalty for Failure to File Cost Reports
 140.550 Update of Operating Costs
 140.551 General Service Costs
 140.552 Nursing and Program Costs
 140.553 General Administrative Costs
 140.554 Component Inflation Index
 140.555 Minimum Wage
 140.560 Components of the Base Rate Determination
 140.561 Support Costs Components
 140.562 Nursing Costs
 140.563 Capital Costs
 140.565 Koshier Kitchen Reimbursement
 140.566 Out-of-State Placement
 140.567 Level II Incentive Payments (Repealed)
 140.568 Duration of Incentive Payments (Repealed)
 140.569 Clients With Exceptional Care Needs
 140.570 Capital Rate Component Determination
 140.571 Capital Rate Calculation
 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
 140.576 Renovations (Repealed)
 140.577 Capital Costs for Rented Facilities (Renumbered)
 140.578 Property Taxes
 140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements (Repealed)
 140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Cost Adjustments
 140.583 Campus Facilities

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)
SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM	
Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program
140.940	(Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Meditech Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas Health-Service-Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 Table H and 140.915 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 Table A and 147.207 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19734, effective November 11, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; amended at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18508, effective October 22, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; October 30, 1990;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6329, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. ~~6899~~, effective ~~May 23, 1997~~

JUL 1 1997

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

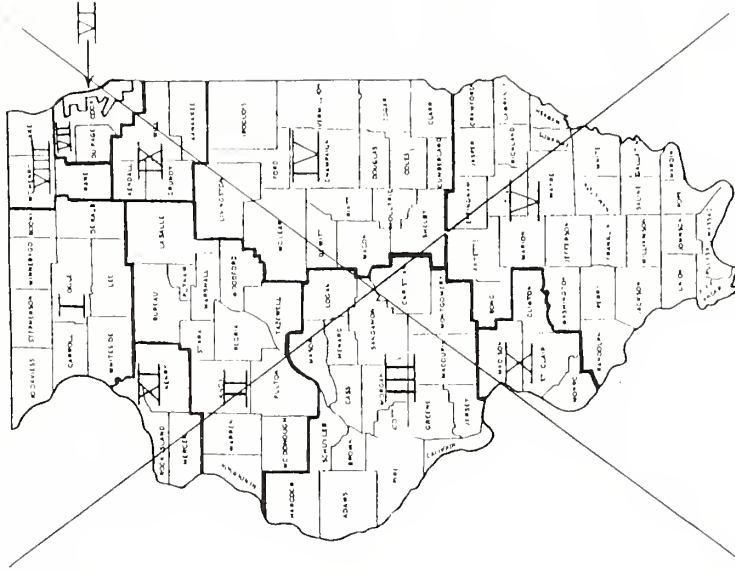
Section 140. TABLE B Geographic Areas Health-Service-Areas

These geographic areas define boundaries, according to counties, that are used in rate setting for long term care facilities. Geographic areas are referenced in Sections 140.555, 140.560, 140.561 and 140.578, 89 Ill. Adm. Code 144 and 89 Ill. Adm. Code 147.

- a) North Suburb - Kane, Lake and McHenry.
- b) Chicago 1 - City of Chicago.
- c) Chicago 2 - Cook (other than Chicago) and DuPage.
- d) South Suburb - Grundy, Kane, Kane, Kendall and Will.
- e) South 1 - Alexander, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White and Williamson.
- f) South 2 - Bond, Clinton, Madison, Monroe and St. Clair.
- g) Central 1 - Bureau, Fulton, Henderson, Knox, LaSalle, Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren and Woodford.
- h) Central 2 - Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler and Scott.
- i) Central 3 - Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby and Vermilion.
- j) Northwest 1 - Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside and Winnebago.
- k) Northwest 2 - Henry, Mercer and Rock Island.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 9763 - , effective

JUL 1 6 1997

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Illinois Accessibility Code
- 2) Code Citation: 71 Ill. Adm. Code 400
- 3) Section Numbers:
400.310 Emergency Action:
400.420 Amended
 Amended
- 4) Statutory Authority: Implementing and authorized by the Environmental Barriers Act [410 ILCS 25]
- 5) Effective date of Amendments: July 10, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: July 10, 1997
- 8) Reason for Emergency: This Part must be corrected prior to State-wide training seminars on the new Illinois Accessibility Code, which will begin on July 17, and prior to the next printing, which will begin within the next few weeks.
- 9) A complete description of the Subjects and Issues Involved: The sole purpose of this emergency amendment is to accurately reflect agreements made by the Capital Development Board with the Attorney General's office, public commentators, and JCAR prior to adoption of a previous rulemaking implementing the Illinois Accessibility Code. That rulemaking was adopted April 24, 1997. This rulemaking corrects technical mistakes so that materials used at training seminars and distributed to the public will reflect those agreements and the true intent of the rules adopted on April 24, 1997.
- 10) Are there any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules? No
- 11) Statement of Statewide Policy Objectives: This emergency amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Information and questions regarding these amendments shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Building
Springfield, IL 62706
217/782-2864

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER b: ACCESSIBILITY STANDARDS

PART 400
ILLINOIS ACCESSIBILITY CODE

SUBPART A: ADMINISTRATION

Section	Purpose
400.110	Standards Incorporated by Reference
400.120	Applicability
400.130	Civil Enforcement
400.140	Local Standards
400.150	Revisions to Code
400.160	Interpretation of the Requirements
400.170	Permits/Statement of Compliance
400.180	

SUBPART B: DEFINITIONS

Section	Code Terms
400.210	Space Allowance and Reach Ranges
400.220	

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section	Public Facilities, New Construction - Minimum Requirements
400.310	
EMERGENCY	
400.320	Additional Requirements for Specific Facility Types
400.330	Exemptions

SUBPART D: MULTI-STORY HOUSING, NEW CONSTRUCTION

Section	Multi-Story Housing, New Construction
400.350	Requirements for Adaptable Dwelling Units
400.360	

SUBPART E: PUBLIC FACILITIES - ADDITIONS

Section	Public Facilities, Additions - Minimum Requirements
400.410	
400.420	Exemptions
EMERGENCY	

SUBPART F: PUBLIC FACILITIES - ALTERATIONS

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

The full text of the Emergency Amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section
400.510 Public Facilities, Alterations - Minimum Requirements
400.520 Exemptions to the Alterations Requirements

SUBPART G: HISTORIC PRESERVATION

Section
400.610 Historic Preservation, Scope - Minimum Requirements
400.620 Alternative Requirements for Historic Buildings
400.630 Exemptions for Historic Preservation

SUBPART H: STANDARDS FOR GOVERNMENT LEASING, RENTING OR USE OF PUBLIC FACILITIES

Section
400.710 Standards for Government Leasing, Renting or Use of Public Facilities

APPENDIX A Graphic Conventions and Figures

ILLUSTRATION A Graphic Conventions
ILLUSTRATION B Graphic Figures
ILLUSTRATION C "Parking" Sign
ILLUSTRATION D "\$100 Fine" Sign

AUTHORITY: Implementing and authorized by the Environmental Barriers Act [410 ILCS 25].

SOURCE: Amended April 21, 1969; amended at 2 Ill. Reg. 52, p. 33, effective December 18, 1978; emergency amendment at 4 Ill. Reg. 9, p. 253, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 27, p. 208, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 30, p. 1252, effective July 11, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3797, effective March 31, 1981; codified at 8 Ill. Reg. 19922; Part repealed, new Part adopted at 12 Ill. Reg. 5243; effective May 1, 1988; Part repealed, new Part adopted at 21 Ill. Reg. 5764, effective April 24, 1997; emergency amendment at 21 Ill. Reg. ~~5764~~ ⁵⁷⁶⁴, effective July 10, 1997, for a maximum of 150 days.

NOTE: In this Part, superscript numbers or letters are denoted by parenthesis; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section 400.310 Public Facilities, New Construction - Minimum Requirements
EMERGENCY

All public facilities to which the Environmental Barriers Act [410 ILCS 25] and this Code apply and which involve work of wholly new construction or

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

reconstruction and not additions, alterations, or historic preservation, shall be accessible to environmentally limited persons on all floors (levels), mezzanines and tiers, unless specifically exempted in this Code by meeting the following requirements:

- a) Accessible Route
Accessible routes on an accessible site and for any new site improvements shall be provided to serve all accessible spaces or elements. Accessible routes include exterior routes, at least one accessible entrance, a means of egress, and interior horizontal (e.g., corridors) and vertical (e.g., elevators) circulation routes. Accessible routes shall meet the following requirements:

- 1) Location.
 - A) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, if provided, taxi stands, public streets or sidewalks, and accessible facilities on non-contiguous sites, to an accessible building entrance. (ADAAG 4.3.2(1))
 - B) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site. (ADAAG 4.3.2(2))
 - C) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility. (ADAAG 4.3.2(3))
 - D) An accessible route shall connect at least one accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit. (ADAAG 4.3.2(4))
- 2) Width. The minimum clear width of an accessible route shall be 36 in. (915 mm) except at doors (see subsections (j)(4) and (5) of this Section). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Illustration B, Fig. 7(a) and (b). (ADAAG 4.3.3)
- 3) Passing Space. If an accessible route has less than 60 in. (1525 mm) clear width, then passing spaces at least 60 in. by 60 in. (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft. (61 m). A T-intersection of two corridors or walks is an acceptable passing place. (ADAAG 4.3.4)
- 4) Head Room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in. (2030 mm) minimum clear head room (see Illustration B, Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in. (nominal dimension), a barrier to warn blind or visually-impaired persons shall be provided (see Illustration B, Fig. 8(c-1)). (ADAAG 4.3.5; 4.4.2)
- 5) Ground and Floor Surfaces. Ground and floor surfaces along

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, and slip-resistant, and shall comply with subsection (a)(7), (11) and (12) of this Section. (ADAAG 4.5.1)

- 6) Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with subsection (e) of this Section. Nowhere shall the cross slope of an accessible route exceed 1:50. (ADAAG 4.3.7)

- 7) Changes in Level. Changes in level up to 1/4 in. (6 mm) may be vertical and without edge treatment (see Illustration B, Fig. 7(c)). Changes in level between 1/4 in. and 1/2 in. (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2 (see Illustration B, Fig. 7(d)). (ADAAG 4.5.2) If an accessible route has changes in level greater than 1/2 in. (13 mm), then a curb ramp, ramp, elevator, or platform lift (as permitted in subsection (h)(1) of this Section) shall be provided that complies with subsection (d), (e), (g) or (h) of this Section, respectively. An accessible route does not include stairs, steps, or escalators. (ADAAG 4.3.8)

- 8) Doors. Doors along an accessible route shall comply with subsection (j) of this Section. (ADAAG 4.3.9)

- 9) Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance (see subsection (b) of this Section). (ADAAG 4.3.10)

- 10) Protruding Objects. Objects projecting from walls (for example, telephones) with their leading edges between 27 in. and 80 in. (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in. (100 mm) into walks, halls, corridors, passageways, or aisles (see Illustration B, Fig. 8(a)). Objects mounted with their leading edges at or below 27 in. (685 mm) above the finished floor may protrude any amount (see Illustration B, Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in. (305 mm) maximum from 27 in. to 80 in. (685 mm to 2030 mm) above the ground or finished floor (see Illustration B, Fig. 8(c) and (d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Illustration B, Fig. 8(e)). (ADAAG 4.4.1)

- 11) Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be 1/2 in. (13 mm) (see Illustration B, Fig. 8(f)). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with the "Changes of Level" requirement at subsection (a)(7) of this

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section. (ADAAG 4.5.3)

NOTE: Where a mat is used on a temporary or seasonal basis, it shall be securely attached or have a backing designed to be non-slip.

- 12) Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in. (13 mm) wide in one direction (see Illustration B, Fig. 8(g)). If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel (see Illustration B, Fig. 8(h)). (ADAAG 4.5.4)

- b) Means of Egress and Areas of Rescue Assistance

- 1) Exit Access. Accessible routes shall serve as the exit access portion of the means of egress for emergencies, or connect to an accessible area of rescue assistance as required in subsection (b)(4) and (b)(5) of this Section. Where applicable building code provisions require more than one means of egress from any space or room, the exit access portion of each means of egress shall be served by accessible routes.

- 2) Stairs. Stairs meeting the requirements of subsection (f) of this Section and the applicable building code are permitted within the exit portion of the means of egress.

- 3) Exception. Except as required by the applicable building code, a means of egress and an accessible area of rescue assistance are not required for one-family and two-family units and one or two-story detached dwelling units.

- 4) Areas of rescue assistance in buildings without a supervised automatic sprinkler system, other than multi-story housing. Where a required exit from an occupiable level above or below a level of accessible exit discharge is not accessible, areas of rescue assistance shall be provided on each such level (in a number equal to that of inaccessible required exits). Areas of rescue assistance shall comply with the requirements of this subsection (b)(4). A horizontal exit, meeting the requirements of local building/life safety regulations, shall satisfy the requirement for an area of rescue assistance. (ADAAG 4.1.3(9)).

NOTE: In Illinois, there is no exemption from the requirement for an area of rescue assistance in buildings equipped with an automatic fire suppression system.

A) Location and Construction

An area of rescue assistance shall be one of the following:

- i) A portion of a stairway landing within a smoke proof enclosure (complying with local requirements).
- ii) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6m) of the area of rescue assistance shall be protected with fire

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

assemblies having a three-fourths hour fire protection rating.

- iii) A portion of a one-hour-fire-resistive corridor (complying with local requirements for fire-resistive construction and for openings) located immediately adjacent to an exit enclosure.

- iv) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.

- v) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building with not less than one-hour-fire-resistive doors.

- vi) When approved by the appropriate local authority, an area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure which is required to be of more than one-hour-fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.

- vii) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smoke proof enclosures by local regulations and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the appropriate local authority. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum two-hour fire-resistive construction. (ADAAG 4.3.11.1)

B) Size

- i) Each area of rescue assistance shall provide at least two accessible areas each being not less than 30 in. by 48 in. (760 mm by 1220 mm). The area of rescue assistance shall not encroach on any required exit width. The total number of such 30 in. by 48 in. (760 mm by 1220 mm) areas per story shall be not less than one for every 200 persons of calculated occupant load

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

served by the area of rescue assistance.

EXCEPTION: The appropriate local authority may reduce the minimum number of 30 in. by 48 in. (760 mm by 1220 mm areas to one for each area of rescue assistance on floors where the occupant load is less than 200. (ADAAG 4.3.11.2)

- ii) Stairway Width

Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of 48 in. between handrails. (ADAAG 4.3.11.3)

C) Features

- i) Two-Way Communication

A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry. The fire department or appropriate local authority may approve a location other than the primary entry. (ADAAG 4.3.11.4)

- ii) Identification

Each area of rescue assistance shall be identified by a sign which states "AREA OF RESCUE ASSISTANCE" and displays the international symbol of accessibility. The sign shall be illuminated when exit sign illumination is required. Signage shall also be installed at an inaccessible exit and where otherwise necessary to indicate clearly the direction to areas of rescue assistance. In each area of rescue assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system. (ADAAG 4.3.11.5)

D) Plan

The floor plan showing exit discharge(s) shall indicate the number of environmentally limited persons anticipated to be evacuated in an emergency for the assistance of the owner in preparing an emergency management evacuation plan prior to occupancy of the building.

- 5) Areas of rescue assistance in multi-story housing units without an exit discharge at grade level from each floor, and multi-story public facilities public-facilities-and-multi-story-housing-units with a supervised automatic sprinkler system and without with an exit discharge at grade level from each floor.

NOTE: In Illinois, there is no exemption from the requirement for an area of rescue assistance in buildings equipped with a supervised automatic sprinkler system.

- A) The following types of areas of rescue assistance shall be provided at each floor of the building except the level of exit discharge:

- i) Horizontal exit(s) into another fire compartment as

CAPITAL DEVELOPMENT BOARD

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

- permitted by the applicable building code.
- ii) At least one area of rescue assistance within every stairway which is required as an exit by the applicable building code. The area of rescue assistance shall be at least 10 square feet of clear floor area on each floor landing of the stairs in addition to that area required for exiting, and shall not reduce the travel width or reduce the swing of the door. This area of rescue assistance shall be accessible to an environmentally limited person in a wheelchair and have a configuration that will accommodate at least one wheelchair in positions which do not obstruct people exiting. All elements and the construction of the stairway within which the area of rescue assistance is located shall meet the fire resistance requirements of the applicable building code, or a minimum of one hour fire resistance rating, and shall have self-closing doors.
- iii) The floor plan showing exit discharge(s) shall indicate the number of environmentally limited persons anticipated to be evacuated in an emergency for the assistance of the owner in preparing an emergency management evacuation plan prior to occupancy of the building.
- iv) Areas of rescue assistance in multi-story public facilities and multi-story housing units with a supervised automatic sprinkler system, if stairs are provided leading to grade that are part of a code-required entrance, an accessible exterior platform at the level of exit discharge shall be provided. The platform shall provide an area of at least 10 square feet, in addition to that area required for exiting, that does not reduce the required travel width and is not reduced by the swing of the door. This space shall be accessible to an environmentally limited person in a wheelchair and have a configuration that will accommodate one wheelchair.

- c) Parking and Passenger Loading Zones
- 1) Minimum Number. If any parking is provided for employees or visitors, or both, the minimum number of accessible parking spaces to be provided for environmentally limited persons is as follows:

TOTAL OFF-STREET PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
--	--

1 to 25

1

- | | |
|------------|----------------------------------|
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501-1000 | 2% of total number |
| Over 1000 | 20 plus 1 for each 100 over 1000 |

(Table from ADAAG 4.1.2(5)(a))

- 2) Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number and location of entrances and level of parking areas. (ADAAG 4.6.2)
- 3) Dimensions and Markings. Each parking space, except on-street spaces, shall consist of a sixteen foot wide parking space including an eight foot wide diagonally striped access aisle. Adjacent parking spaces shall not share a common access aisle (see Illustration B, Fig. 9(a)). In the alternative, all required parking spaces may be provided in conformance with "Universal Parking Design" (ADAAG Appendix A4.6.3), except that such spaces shall not utilize a shared access aisle with an adjacent space (ADAAG 4.1.2(5)(b) Exception). Under Universal Parking Design, all accessible spaces are sixteen feet wide, including a space eleven feet (132 in., 3350 mm) wide with a five foot (60 in., 1525 mm) diagonally striped access aisle (see Illustration B, Fig. 9(b)). A high quality yellow paint recommended by the paint manufacturer for pavement striping shall be used. Each parking space shall have its own access aisle and all access aisles shall blend to a common level with an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. (ADAAG 4.6.3) Minimum vertical clearance of 98 in. (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s) shall be provided. (ADAAG 4.6.5)
- 4) Attendant-Only or Valet Parking. No accessible parking shall be

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

required if attendant-only or valet parking is provided and is available at all times the facility is open for public use. However, such parking facilities shall provide a passenger loading zone complying with subsection (c)(5) of this Section located on an accessible route to the entrance of the facility. (ADAAG 4.1.2(5)(e)) If accessible at-grade parking is available, at least one space for self-parking of a vehicle with sensitive specialized control devices shall be provided.

- 5) Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 in. (1525 mm) wide and 20 ft. (240 in., 6100 mm) long adjacent and parallel to the vehicle pull-up space (see Illustration B, Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with subsection (d) of this Section shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. Accessible passenger loading zones shall provide minimum vertical clearance of 114 in. (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). (ADAAG 4.6.6)

- 6) Medical Facilities. At facilities providing medical care and other services for persons with mobility impairments, parking spaces shall be provided in accordance with subsection (c) of this Section except as follows:

- A) Outpatient units and facilities: 10% of the total number of parking spaces provided serving each such outpatient unit or facility shall be designated as accessible spaces;
- B) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20% of the total number of parking spaces provided serving each such unit or facility shall be designated as accessible spaces. (ADAAG 4.1.2(5)(d)(i) and (ii))

- 7) Signage. Accessible parking spaces shall be designated as reserved for environmentally limited persons by providing a R7-8 (U.S. Department of Transportation standard) sign which contains the international symbol of accessibility (see Illustrations C and D). Such signs shall exhibit the words "\$100 Fines" (or higher amount if required by local ordinance). (See Illinois Vehicle Code [625 ILCS 5/11-301 and 301.1].) Signs shall be vertically mounted on a post or wall at front center of the parking space, no more than 5 feet horizontally from the front of the parking space and set a minimum of 4 feet from finished grade to the bottom of the sign. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. (ADAAG 4.6.4)

d) Curb Ramps

- 1) Location. Curb ramps shall be provided wherever an accessible route crosses a curb (ADAAG 4.7.1) and shall comply with the

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

following:

- 2) Slope. Slopes of curb ramps shall comply with subsection (e)(2) of this Section. The slope shall be measured as shown in Illustration B, Fig. 11. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20. (ADAAG 4.7.2)
- 3) Width. The minimum width of a curb ramp shall be 36 in. (915 mm), exclusive of flared sides. (ADAAG 4.7.3)
- 4) Surface. Surfaces of curb ramps shall comply with subsections (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.7.4)
- 5) Sides of Curb Ramps. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10 (see Fig. 12(a)). Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp (see Illustration B, Fig. 12(b)). (ADAAG 4.7.5)
- 6) Built-up Curb Ramps. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes (see Illustration B, Fig. 13). (ADAAG 4.7.6)
- 7) Detectable Warnings. A curb ramp shall have a detectable warning feature extending the full width and depth of the curb ramp, including any flares. (ADAAG 4.7.7) Such detectable warning features shall consist of exposed aggregate concrete or parallel or diamond mesh pattern grooves, cushioned surfaces made of rubber or plastic, or raised strips (see Illustration B, Fig. 40). Textures shall contrast with that of the surrounding surface. Textured surfaces for detectable warnings shall be standard within a site.
- 8) Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles. (ADAAG 4.7.8)
- 9) Location at Marked Crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides (see Illustration B, Fig. 15). (ADAAG 4.7.9)
- 10) Diagonal Curb Ramps. If diagonal (or corner-type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 in. (1220 mm) minimum clear space as shown in Illustration B, Fig. 15(c) and (d). If diagonal curb ramps are provided at marked crossings, the 48 in. (1220 mm) clear space shall be within the markings (see Illustration B, Fig. 15(c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a 24 in. (610 mm) long segment of straight curb located on each side of the curb ramp and within the marked crossing (see Illustration B, Fig. 15(c)). (ADAAG 4.7.10)

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

11) Islands. Any raised islands in crossings shall be cut through level with the street or having curb ramps at both sides and a level area at least 48 in. (1220 mm) long between the curb ramps in the part of the island intersected by the crossings (see Illustration B, Fig. 15(a) and (b)). (ADAAG 4.7.11)

e) Ramps

1) General. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with the following requirements unless another means of accessible vertical access (e.g., accessible elevator or accessible platform lift) is provided. (ADAAG 4.8.1)

2) Slope and Rise. The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in. (760 mm) (see Illustration B, Fig. 16). Curb ramps and interior or exterior ramps to be constructed on existing sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows: (ADAAG 4.8.2)

A) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 in.

B) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 in. A slope steeper than 1:8 is not allowed. (ADAAG 4.1.6(3)(a))

3) Clear Width. The minimum clear width of a ramp shall be 36 in. (915 mm). (ADAAG 4.8.3)

4) Landings. Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

A) The landing shall be at least as wide as the ramp run leading to it.

B) The landing length shall be a minimum of 60 in. (1525 mm) clear.

C) If ramps change direction at landings, the minimum landing size shall be 60 in. by 60 in. (1525 mm by 1525 mm).

D) If a doorway is located at a landing, then the area in front of the doorway shall comply with subsection (j)(5) of this Section. (ADAAG 4.8.4)

5) Handrails. If a ramp run has a rise greater than 6 in. (150 mm) or a horizontal projection greater than 72 in. (1830 mm), then it shall have handrails on both sides. Handrails are not required on curb ramps or adjacent to seating in assembly areas. Handrails shall comply with subsection (p) of this Section and shall have the following features:

A) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.

B) If handrails are not continuous, they shall extend at least

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

12 in. (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface (see Illustration B, Fig. 17).

C) The clear space between the handrail and the wall shall be 1-1/2 in. (38 mm).

D) Gripping surfaces shall be continuous.

E) Top of handrail gripping surfaces shall be mounted between 34 in. and 38 in. (865 mm and 965 mm) above ramp surfaces.

F) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

G) Handrails shall not rotate within their fittings. (ADAAG 4.8.5)

6) Cross Slope and Surfaces. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with subsections (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.8.6)

7) Edge Protection. Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of 2 in. (50 mm) high (see Illustration B, Fig. 17). (ADAAG 4.8.7)

8) Outdoor Conditions. Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces. (ADAAG 4.8.8)

9) Exceptions. The following areas do not have to be served by accessible ramps provided that such areas comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space: temporary raised platforms; seating tiers; theater rows; stadium rows; and auditorium rows utilizing fixed seating. Ramps do not have to be provided to all levels of a multi-level platform. For requirements for restaurants and cafeterias, see Section 400.320(1).

f) Stairs

1) General. Interior and exterior stairs connecting floors and/or levels that are not connected by an elevator, platform lift or ramp, which are required as a means of egress by the applicable building code, or which are part of an accessible route, shall comply with the following requirements. (ADAAG 4.1.3(4))

2) Treads and Risers. On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Risers shall be a maximum of 7 in. (180 mm) in height. Stair treads shall be no less than 11 in. (280 mm) wide, measured from riser to riser (see Illustration B, Fig. 18(a)). Open risers are not permitted. (ADAAG 4.9.2)

3) Nosings. The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than 1/2 in. (13 mm). Risers shall be sloped or the underside of the nosing shall have an angle not less than 60

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

degrees from the horizontal. Nosings shall project no more than 1-1/2 in. (38 mm) (see Illustration B, Fig. 18). (ADAAG 4.9.3)

4) Handrails. Stairways shall have handrails at both sides of all stairs. Handrails shall comply with subsection (q) of this Section and shall have the following features:

A) Handrails shall be continuous along both sides of stairs. The inside handrail on switchback or dogleg stairs shall always be continuous (see Illustration B, Fig. 19(a) and (b)).

B) If handrails are not continuous, they shall extend at least 12 in. (305 mm) beyond the top riser and at least 12 in. (305 mm) plus the width of one tread beyond the bottom riser. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal (see Illustration B, Fig. 19(c) and (d)). Handrail extensions shall comply with subsection (a)(10) of this Section.

C) The clear space between handrails and wall shall be 1-1/2 in. (38 mm).

D) Gripping surfaces shall be uninterrupted by newel posts, other construction elements, or obstructions.

E) Top of handrail gripping surface shall be mounted between 34 in. and 38 in. (865 mm and 965 mm) above stair nosings.

F) Ends of handrails shall be either rounded or returned smoothly to floor, wall or post.

G) Handrails shall not rotate within their fittings. (ADAAG 4.9.4)

5) Detectable Warnings at Stairs. See subsection (t)(3) of this Section.

6) Outdoor Conditions. Outdoor stairs and their approaches shall be designed so that water will not accumulate on walking surfaces. (ADAAG 4.9.6)

9) Elevators

1) General. All passenger elevators provided in a building or facility shall be accessible as provided below, shall serve all levels of a building or facility, shall be on an accessible route and shall comply with the ASME A17.1-1996, Safety Code for Elevators and Escalators, unless exempted at subsection (g)(16) of this Section. Freight elevators shall not be considered as meeting requirements of this Section unless the only elevators provided are used as combination passenger and freight elevators for the public and employees. (ADAAG 4.10.1)

2) Automatic Operation. Elevator operation shall be automatic. Each car shall be equipped with a self-leveling feature that will automatically bring the car to floor landings within a tolerance of 1/2 in. (13 mm) under rated loading to zero loading

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

conditions. This self-leveling feature shall be automatic and independent of the operating device and shall correct the overtravel or undertravel. (ADAAG 4.10.2)

3) Hall Call Buttons. Call buttons in elevator lobbies and halls shall be centered at 42 in. (1065 mm) above the floor. Such call buttons shall have visual signals to indicate when each call is registered and when each call is answered. Call buttons shall be a minimum of 3/4 in. (19 mm) in the smallest dimension. The button designating the up direction shall be on top (see Illustration B, Fig. 20). Buttons shall be raised or flush. Objects mounted beneath hall call buttons shall not project into the elevator lobby more than 4 in. (100 mm). (ADAAG 4.10.3)

4) Hall Lanterns. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice for the down direction or shall have verbal annunciators that say "up" or "down". Visible signals shall have the following features:

A) Hall lantern fixtures shall be mounted so that their centerline is at least 72 in. (1830 mm) above the lobby floor (see Illustration B, Fig. 20).

B) Visual elements shall be at least 2-1/2 in. (64 mm) in the smallest dimension.

C) Signals shall be visible from the vicinity of the hall call button (see Illustration B, Fig. 20). In-car lanterns located in cars, visible from the vicinity of hall call buttons, and conforming to the above requirements, shall be acceptable. (ADAAG 4.10.4)

5) Raised and Braille Characters on Hoistway Entrances. All elevator hoistway entrances shall have raised and Braille floor designations provided on both jambs. The centerline of the characters shall be 60 in. (1525 mm) above finish floor. Such characters shall be 2 in. (50 mm) high and shall comply with subsection (u)(3) of this Section. Permanently applied plates are acceptable if they are permanently fixed to the jambs (see Illustration B, Fig. 20). (ADAAG 4.10.5)

6) Door Protective and Reopening Device. Elevator doors shall open and close automatically. They shall be provided with a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of 5 in. and 29 in. (125 mm and 735 mm) above finish floor (see Illustration B, Fig. 20). Door reopening devices shall remain effective for at least 20 seconds. After such an interval, doors may close in accordance with the requirements of ASME A17.1-1996. (ADAAG 4.10.6)

7) Door and Signal Timing for Hall Calls. The minimum acceptable

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

time from notification that a car is answering a call until the doors of that car start to close shall be calculated from the following equation: $T=D/(1.5 \text{ ft/s})$ or $T=D/(445 \text{ mm/s})$ where T is total time in seconds and D is distance (in feet or millimeters) from a point in the lobby or corridor 60 in. (1525 mm) directly in front of the farthest call button controlling that car to the centerline of its hoistway door (see Illustration B, Fig. 21). For cars with in-car lanterns, T begins when the lantern is visible from the vicinity of hall call buttons and an audible signal is sounded. The minimum acceptable notification time shall be 5 seconds. (ADAAG 4.10.7)

- 8) Door Delay for Car Calls. The minimum time for elevator doors to remain fully open in response to a car call shall be 3 seconds. (ADAAG 4.10.8)

- 9) Floor Plan of Elevator Cars. The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car. Acceptable door opening and inside dimensions shall be as shown in Illustration B, Fig. 22. The clearance between the car platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in. (32 mm). (ADAAG 4.10.9)

- 10) Floor Surfaces. Floor surfaces shall comply with subsections (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.10.10)

- 11) Illumination Levels. The level of illumination at the car controls, platform, and car threshold and landing sill shall be at least 5 footcandles (53.8 lux). (ADAAG 4.10.11)

- 12) Car Controls. Elevator control panels shall have the following features:

- A) Buttons. All control buttons shall be at least 3/4 in. (19 mm) in their smallest dimension. They shall be raised or flush.
- B) Tactile, Braille and Visual Control Indicators. All control buttons shall be designated by Braille and by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in Illustration B, Fig. 23(a), and as required in ASME A17.1-1996. Raised and Braille characters and symbols shall comply with subsection (u)(3) of this Section. The call button for the main entry floor shall be designated by a raised star at the left of the floor designation (see Illustration B, Fig. 23(a)). All raised designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates, permanently attached, are an acceptable means to provide raised control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.
- C) Height. All floor buttons shall be no higher than 54 in.

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

(1370 mm) above the finish floor for side approach and 48 in. (1220 mm) for front approach. Emergency controls, including the emergency alarm and emergency stop, shall be grouped at the bottom of the panel and shall have their centerlines no less than 35 in. (890 mm) above the finish floor (see Illustration B, Fig. 23(a) and (b)).

- D) Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors (see Illustration B, Fig. 23(c) and (d)). (ADAAG 4.10.12)

- 13) Car Position Indicators. In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate and an audible signal shall sound. Numerals shall be a minimum of 1/2 in. (13 mm) high. The audible signal shall be no less than 20 decibels with a frequency no higher than 1500 Hz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal. (ADAAG 4.10.13)

- 14) Emergency Communications. If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with ASME A17.1-1996. The highest operable part of a two-way communication system shall be a maximum of 48 in. (1220 mm) from the floor of the car. It shall be identified by a raised symbol and lettering complying with subsection (u) of this Section and located adjacent to the device. If the system uses a handset then the length of the cord from the panel to the handset shall be at least 29 in. (735 mm). If the system is located in a closed compartment the compartment door hardware shall conform to subsection (r) of this Section. The emergency inter-communication system shall not require voice communications. (ADAAG 4.10.14)

- 15) Handrails. Handrails in compliance with subsection (q) of this Section shall be provided on the side walls (and preferably both the side and rear walls) of all accessible passenger elevator cars, mounted at a height of between 32 in. (815 mm) and 36 in. (915 mm) above the floor of the cab. A bar section 1-1/4 in. (32 mm) to 1-1/2 in. (38 mm) in depth, minimum 3/8 in. (9.6 mm) thickness, with 1/8 in. (3.2 mm) radius edges is also acceptable. Exemptions. The following areas do not have to be served by accessible passenger elevators:

- A) The basement or second floor or mezzanine space of privately owned public facilities, subject to all of the following:
- i) The basement functional space, second story space, or mezzanine space are each limited to 1000 net square feet or less. See definition of "functional space"

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- (Section 400.320(b)(52)).
- ii) The exempt area must consist of the following type of space:
- the second story of a two-story building without a basement; or
 - the mezzanine of a one-story building without a basement; or
 - the second story of a two-story building with a basement with less than 50% functional space; or
 - the mezzanine of a one-story building with a basement with less than 50% functional space; or
 - a basement with 50% or more functional space in a one-story building.
- iii) For mezzanines, see also Section 400.320(l)(4) of this Part.
- iv) The exemption does not apply to areas of visitor usage or to common employee usage such as locker areas, toilet facilities or lunchrooms if these facilities are the only ones in the building.
- v) The exemption also does not apply to a shopping center, shopping mall, or the professional office of a health care provider. (ADAAG 4.1.3(5))
- B) Temporary raised platforms; seating tiers; theater rows; stadium rows; and auditorium rows utilizing fixed seating, provided that they comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space. Elevators do not have to be provided to all levels of a multi-level platform.
- C) Areas served by ramps which conform to subsection (e) of this Section.
- D) Areas permitted to be served by platform lifts pursuant to and in conformance with subsection (h) of this Section.
- The elevator exemption in subsections (g)(16)(A) through (D) above does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this Section.
- 17) Elevator in Exempt Facility. If a facility is eligible for the elevator exemption but a full passenger elevator is nonetheless planned, that elevator shall meet the requirements of this Section and shall serve each level in the building. (ADAAG 4.1.3(5), Exception 1)
- h) Platform Lifts (Wheelchair Lifts)

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Conditions for Use. Platform lifts may only be used in lieu of conforming accessible ramps or elevators under the following conditions:
- A) To provide an accessible route to a performing area in an assembly occupancy.
 - B) To comply with the wheelchair viewing position line-of-sight and dispersion requirements of Section 400.320(a)(3).
 - C) To provide access to incidental occupiable spaces and rooms which are not open to the general public and which house no more than five persons, including but not limited to equipment control rooms and projection booths.
 - D) To provide access where existing site or physical constraints make use of a ramp or an elevator infeasible. (Excerpt from ADAAG 4.1.3(5)-Exception 4)
 - E) To provide access to the second story or the mezzanine of a two-story building, or to the basement or mezzanine space of a one-story building, where each story is more than 1000 square feet and less than 3000 square feet, and is not a shopping center, shopping mall or the professional office of a health care provider. If permitted under this Section, the lift must comply with ASME A17.1-1996, Part XXV.
- 2) General. If a platform lift is permitted, it shall facilitate unassisted entry, operation, and exit from the lift and shall comply with the following requirements:
- A) Clear floor or ground space for wheelchairs shall comply with Section 400.220(d). Wheelchair lift platform shall be a minimum of 30 in. (760 mm) wide by 48 in. (1220 mm) long, clear. Maximum inside net platform area shall not exceed 18 square feet.
 - B) Ground and floor surfaces shall comply with subsections (a)(5), (7), (11) and (12) of this Section.
 - C) Controls and operating mechanisms shall comply with subsection (r) of this Section.
 - D) ASME A17.1-1996 Safety Code for Elevators and Escalators, Part XX, except Rule 2001.10a Key Operation. (ADAAG 4.1.1.3; 4.1.1.2; 4.2.4, 4.5, 4.27), unless otherwise indicated in subsection (h)(1)(E).
- i) Windows (Reserved). (ADAAG 4.1.2)
- j) Doors
- 1) All doors to accessible spaces (as defined in Section 400.210) shall comply with the following requirements:
- 1) Revolving Doors and Turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible gate or door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern. (ADAAG 4.1.3.2)
- 2) Gates. Gates, including ticket gates, shall meet all applicable

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- specifications of this subsection (j). (ADAAG 4.13.3)
- 3) Double-Leaf Doorways. If doorways have two independently operated door leaves, then at least one leaf shall meet the specifications in subsections (j)(4) and (5). That leaf shall be an active leaf. (ADAAG 4.13.4)
 - 4) Clear Width. Doorways shall have a minimum clear opening of 32 in. (815 mm) with the door open 90 degrees, measured between the face of the door and the opposite stop (see Illustration B, Fig. 24(a), (b), (c), and (d)). Openings more than 24 in. (610 mm) in depth shall comply with Section 400.220(a) and subsection (a)(2) of this Section (see Illustration B, Fig. 24(e)).
EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 in. (510 mm) minimum. (ADAAG 4.13.5)
 - 5) Maneuvering Clearances at Doors. Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in Illustration B, Fig. 25. The floor or ground area within the required clearances shall be level and clear.
EXCEPTIONS: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in Illustration B, Fig. 25) if the door is at least 44 in. (1120 mm) wide. (ADAAG 4.13.6)
 - 6) Two Doors in Series. The minimum space between two hinged or pivoted doors in series shall be 48 in. (1220 mm) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see Illustration B, Fig. 26). (ADAAG 4.13.7)
 - 7) Thresholds at Doorways. Thresholds at doorways shall not exceed 3/4 in. (19 mm) in height for exterior sliding doors or 1/2 in. (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see subsection (a)(7) of this Section). (ADAAG 4.13.8)
 - 8) Door Hardware. Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than 48 in. (1220 mm) above finished floor. (ADAAG 4.13.9)
 - 9) Door Closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 in. (75 mm) from the latch, measured to the leading edge of the

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- door. (ADAAG 4.13.10)
- 10) Door Opening Force. The maximum force for pushing or pulling open a door shall be as follows:
 - A) Fire doors shall have the minimum opening force allowable by the appropriate administrative authority.
 - B) Other doors:
 - i) exterior hinged doors: 8.5 lbf (37.8N);
 - ii) interior hinged doors: 5 lbf (22.2N);
 - iii) sliding or folding doors: 5 lbf (22.2N).

These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position. (ADAAG 4.13.11)

 - 11) Automatic Doors and Power-Assisted Doors. If an automatic door is used, then it shall comply with ANSI/BHMA A156.10-1985. Slowly opening, low-powered, automatic doors shall comply with ANSI A156.19-1984. Such doors shall not open to back check faster than 3 seconds and shall require no more than 15 lbf (66.6N) to stop door movement. If a power-assisted door is used, its door-opening force shall comply with subsection (j)(10) of this Section and its closing shall conform to the requirements in ANSI A156.19-1984. (ADAAG 4.13.12)

Entrances

- 1) General. Entrances required to be accessible below shall be part of an accessible route complying with subsection (a) of this Section. Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available (see subsection (a)(1)(A) of this Section). They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility. (ADAAG 4.14.1) At a minimum, the requirements in subsections (k)(2) and (3) below shall be satisfied independently.
- 2) Number and Distribution
 - A) At least 50% of all public entrances (excluding those in subsection (k)(3) below) must be accessible. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.
 - B) Accessible entrances must be provided in a number at least equivalent to the number of exits required by the applicable building/fire codes. (This paragraph does not require an increase in the total number of entrances planned for a facility.)
 - C) An accessible entrance must be provided to each tenancy in a facility (for example, individual stores in a strip shopping center). One entrance may be considered as meeting more than one of the requirements in this subsection (k)(2). Where feasible, accessible entrances shall be the entrances used by the majority of people visiting or working in the

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

3) Other Entrances. (ADAAG 4.1.3(8)(a)(i)-(iii))

- A) In addition, if direct access is provided for pedestrians from an enclosed parking garage to the building, at least one direct entrance from the garage to the building must be accessible.
- B) If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, one entrance to the building from each tunnel or walkway must be accessible. One entrance may be considered as meeting more than one of the requirements in subsection (k)(2) of this Section. Because entrances also serve as emergency exits whose proximity to all parts of buildings and facilities is essential, it is preferable that all entrances be accessible.
- C) If the only entrance to a building, or tenancy in a facility, is a service entrance, that entrance shall be accessible.
- D) Entrances which are not accessible shall have directional signage which indicates the location of the nearest accessible entrance and meets the requirements of subsections (t)(2), (3), and (5) of this Section. (ADAAG 4.1.3(8)(b)-(d))

1) Drinking Fountains and Water Coolers

- 1) General. All public drinking fountains and water coolers which are provided in a public facility shall be located along an accessible route.
- 2) Single Fountain. Where only one drinking fountain is provided on a floor, there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with this Section and one accessible to those who have difficulty bending or stooping. (This can be accommodated by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under this Section and a water cooler; or by such other means as would achieve the required accessibility for each group on each floor.) (ADAAG 4.1.3(10)(a))
- 3) Other Fountains. Where more than one drinking fountain or water cooler is provided on a floor, at least 50% of those provided shall comply with the following requirements. (ADAAG 4.1.10(b))
- A) Spout Height. Spouts shall be no higher than 36 in. (915 mm), measured from the floor or ground surfaces to the spout outlet (see Illustration B, Fig. 27(a)). (ADAAG 4.15.2)
- B) Spout Location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water at least 4 in. (100 mm) high so as to allow

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

the insertion of a cup or glass under the flow of water. On an accessible drinking fountain with a round or oval bowl, the spout must be positioned so the flow of water is within 3 in. (75 mm) of the front edge of the fountain. (ADAAG 4.15.3)

- C) Controls. Controls shall comply with Section 400.310(q)(4). Unit controls shall be front mounted or side mounted near the front edge. (ADAAG 4.15.4)
- D) Clearances
- i) Wall- and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 17 in. to 19 in. (430 mm to 485 mm) deep (see Illustration B, Fig. 27(a) and (b)). Such units shall also have a minimum clear floor space 30 in. by 48 in. (760 mm by 1220 mm) to allow a person in a wheelchair to approach the unit facing forward.
- ii) Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) that allow a person in a wheelchair to make a parallel approach to the unit (see Illustration B, Fig. 27(c) and (d)). This clear floor space shall comply with Section 400.220(d). (ADAAG 4.15.5)
- m) Sinks
- 1) General. Sinks required to be accessible shall comply with the requirements of this subsection (m).
- 2) Height. Sinks shall be mounted with the counter or rim no higher than 34 in. (865 mm) above the finish floor. (ADAAG 4.24.2)
- 3) Knee Clearance. Knee clearance that is at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 19 in. (485 mm) deep shall be provided underneath sinks. (ADAAG 4.24.3)
- 4) Depth. Each sink shall be a maximum of 6-1/2 in. (165 mm) deep. (ADAAG 4.24.4)
- 5) Clear Floor Space. A clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) complying with ADAAG 4.2.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of 19 in. (485 mm) underneath the sink. (ADAAG 4.24.5)
- EXCEPTION: A parallel approach shall be permitted to a kitchen sink in a space where a cook top or conventional range is not provided
- 6) Exposed Pipes and Surfaces. Hot water and drain pipes exposed under sinks shall be installed or otherwise configured so as to protect against contact. There shall be no sharp or abrasive surfaces under sinks. (ADAAG 4.24.6)
- 7) Faucets. Lever-operated, push-type, touch-type or electronically controlled mechanisms are acceptable designs. (ADAAG 4.24.7)

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

B, Fig. 30(a), Standard Stall. Standard toilet stalls with a minimum depth of 56 in. (1420 mm) (see Illustration B, Fig. 30(a)) shall have wall-mounted water closets. If the depth of a standard toilet stall is increased at least 3 in. (75 mm), then a floor-mounted water closet may be used. Arrangements shown for standard toilet stalls may be reversed to allow either a left- or right-hand approach. Additional stalls shall be provided in conformance with subsection (n)(5) of this Section.

EXCEPTION: In instances of alteration work where provision of a standard stall (Illustration B, Fig. 30(a)) is technically infeasible or where plumbing code requirements prevent combining existing stalls to provide space, either alternate stall (Illustration B, Fig. 30(b)) may be provided in lieu of the standard stall. (ADAAG 4.17.3)

iii) Toe Clearances. In standard stalls, the front partition and at least one side partition shall provide a toe clearance of at least 9 in. (230 mm) above the floor. If the depth of the stall is greater than 60 in. (1525 mm), then the toe clearance is not required. (ADAAG 4.17.4)

iv) Doors. Toilet stall doors, including door hardware, shall comply with subsection (j) of this Section. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a minimum of 42 in. (1065 mm) (Illustration B, Fig. 30). (ADAAG 4.17.5)

v) Grab Bars. Grab bars complying with the length and positioning shown in Illustration B, Fig. 30(a), (b), (c) and (d) shall be provided. Grab bars may be mounted with any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with subsection (q) of this Section. (ADAAG 4.17.6) Grab bars at back of flush valve water closets may be provided in two sections if high flushometer riser pipe is required by applicable building or plumbing code.

B) Water Closets

i) Clear Floor Space. Clear floor space for water closets not in stalls shall comply with Illustration B, Fig. 28. Clear floor space may be arranged to allow either a left-handed or right-handed approach. (ADAAG 4.16.2)

ii) Height. The height of water closets shall be 17 in.

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2N). (ADAAG 4.24.4)

n) Toilet Rooms

1) General. Public toilet rooms, required by the Illinois Plumbing Code (77 Ill. Adm. Code 890) to have a "Minimum Number of Plumbing Fixtures" shall have accessible toilet rooms and related fixtures for each sex (excluding toilet rooms in apartments of residential occupancies) in compliance with the following requirements.

2) Accessible Route. Accessible toilet rooms shall be on an accessible route. (ADAAG 4.22.1) Design and location of plumbing fixtures shall provide the same conditions and privacy for all users.

3) Doors. All doors to accessible toilet rooms shall comply with subsection (j) of this Section. Doors shall not swing into the clear floor space required for any fixture. (ADAAG 4.22.2)

NOTE: The Illinois Accessibility Code allows, for single user toilet rooms only, doors to swing into the clear floor space required for any fixture if sufficient maneuvering space is provided within the room for a person using a wheelchair to enter and close the door, use the fixtures, reopen the door, and exit.

4) Clear Floor Space. The accessible fixtures and controls required in subsections (n)(5), (6), (7) and (8) of this Section shall be on an accessible route. An unobstructed turning space complying with Section 400.220(c) shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap. (ADAAG 4.22.3)

5) Water Closets. If toilet stalls are provided in a room, then at least one shall be a standard toilet stall complying with subsection (n)(5)(A) of this Section; where 6 or more stalls are provided, in addition to the stall complying with subsection (n)(5)(A)(ii) of this Section, at least one stall 36 in. (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Illustration B, Fig. 30(d) and subsection (q) of this Section shall be provided. Water closets in such stalls shall comply with subsection (n)(5)(B) of this Section. If water closets are not in stalls, then at least one shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.22.4)

A) Toilet Stalls

i) Water Closets. Water closets in accessible stalls shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.17.2)

ii) Size and Arrangement. The size and arrangement of the standard toilet stall shall comply with Illustration

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

to 19 in. (430 mm to 485 mm), measured to the top of the toilet seat (see Illustration B, Fig. 29(b)). Seats shall not be sprung to return to a lifted position. (ADAAG 4.16.3)

iii) Grab Bars. Grab bars for water closets not located in stalls shall comply with subsection (q) of this Section and Illustration B, Fig. 29. The grab bar behind the water closet shall be 36 in. (915 mm) minimum. (ADAAG 4.16.4) Grab bars at back of flush valve water closets may be provided in two sections if high flushometer riser pipe is required by applicable building or plumbing code.

iv) Flush Controls. Flush controls shall be hand operated or automatic and shall comply with subsection (r)(4) of this Section. Controls for flush valves shall be mounted on the wide side of toilet areas no more than 44 in. (1120 mm) above the floor. (ADAAG 4.16.5)

v) Dispensers. Toilet paper dispensers shall be installed within reach, as shown in Illustration B, Fig. 29(b). Dispensers that control delivery, or that do not permit continuous paper flow, shall not be used. (ADAAG 4.16.6)

6) Urinals. If urinals are provided, then at least one shall comply with the following requirements:

A) Height. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 in. (430 mm) above the finish floor. (ADAAG 4.18.2)

B) Clear Floor Space. A clear floor space 30 in. by 48 in. (760 mm by 1220 mm) shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with Section 400.220(d). Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 29 in. (735 mm) clearance between them. (ADAAG 4.18.3)

C) Flush Controls. Flush controls shall be hand operated or automatic, shall comply with subsection (r)(4) of this Section and shall be mounted no more than 44 in. (1120 mm) above the finish floor. (ADAAG 4.18.4)

7) Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with the following requirements:

A) General. The requirements of this subsection shall apply to lavatory fixtures, vanities, and built-in lavatories. (ADAAG 4.19.1)

B) Height and Clearances. Lavatories shall be mounted with the rim or counter surface no higher than 34 in. (865 mm) above the finish floor. Provide a clearance of at least 29 in. (735 mm) above the finish floor to the bottom of the apron.

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

Knee and toe clearance shall comply with Illustration B, Fig. 31. (ADAAG 4.19.2)

C) Clear Floor Space. A clear floor space 30 in. by 48 in. (760 mm by 1220 mm) complying with Section 400.220(d) shall be provided in front of a lavatory to allow forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of 19 in. (485 mm) underneath the lavatory (see Illustration B, Fig. 32). (ADAAG 4.19.3)

D) Exposed Pipes and Surfaces. Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories. (ADAAG 4.19.4)

E) Faucets. Faucets shall comply with subsection (r)(4) of this Section. Lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs. If self-closing valves are used the faucet shall remain open for at least 10 seconds. (ADAAG 4.19.5)

F) Mirrors. Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than 40 in. (1015 mm) above the finish floor (see Illustration B, Fig. 31). (ADAAG 4.19.6)

8) Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with subsection (r) of this Section. (ADAAG 4.22.7)

9) Excess Toilet Rooms. When toilet rooms are provided in excess of the number required by the Illinois Plumbing Code, at least one fixture of each type (excluding urinals) in each restroom shall be accessible. If toilet stalls are provided, the "alternate stall," as depicted in Illustration B, Fig. 30(b), is acceptable. (ADAAG 4.22.8)

10) Private Use Toilet Rooms. When toilet rooms are provided for the use of occupants of specific spaces (i.e., a private toilet room for the occupants of a private office) such spaces shall be adaptable. (ADAAG 4.1.3(11))

11) Small Toilet Rooms. If the required toilet room contains only one water closet and one lavatory, a toilet stall is not required; however the room itself shall comply with subsections (n)(3) through (8) of this Section and shall be on an accessible route. (ADAAG 4.22.9)

12) Unisex Toilet Rooms. Unisex accessible toilet rooms are permitted in new buildings only in locations as provided in the Illinois Plumbing Code and where the toilet fixtures are provided in excess of the minimum number of fixtures required by that Code. All unisex facilities shall be accessible and shall meet all space and access requirements of subsection (n) of this Section. For treatment of unisex toilet rooms in alterations, see Section 400.510(e)(1)(A).

13) Signage. All public toilet rooms shall be appropriately

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

identified with signage complying with subsection (u) of this Section and the international symbol of accessibility as shown in Illustration B, Fig. 43(a) and (b).

- 14) Water Temperature. The temperature of the hot water at the outlets for lavatories shall not exceed 110 degrees.

c) Bathrooms, Bathing Facilities and Shower Rooms

- 1) General. If bathrooms, bathing facilities or shower rooms are provided on a site, at least one for each sex shall be on an accessible route and shall comply with the requirements below. Bathrooms, bathing facilities and shower rooms provided in conjunction with individual accessible transient lodging units or dwelling units shall meet the accessibility requirements of Section 400.320(e) or (g) or Section 400.350.

- 2) Doors. Doors to accessible bathrooms shall comply with subsection (j) of this Section. Doors shall not swing into the floor space required for any fixture. (ADAAG 4.23.2)

- 3) Clear Floor Space. The accessible fixtures and controls required in subsections (o)(4) through (9) of this Section below shall be on an accessible route. An unobstructed turning space complying with Section 400.220(c) shall be provided within an accessible bathroom. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap. (ADAAG 4.23.3)

- 4) Water Closets. If toilet stalls are provided, then at least one shall be a standard toilet stall complying with subsection (n)(5)(A) of this Section; where 6 or more stalls are provided, in addition to the stall complying with subsection (n)(5)(A)(ii) of this Section, at least one stall 36 in. (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Illustration B, Fig. 30(d) and subsection (q) of this Section shall be provided. Water closets in such stalls shall comply with subsection (n)(5)(B) of this Section. If water closets are not in stalls, then at least one shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.23.4)

- 5) Urinals. If urinals are provided, then at least one shall comply with subsection (n)(6) of this Section. (ADAAG 4.23.5)

- 6) Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with subsection (n)(7) of this Section. (ADAAG 4.23.6)

- 7) Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with subsection (r) of this Section. (ADAAG 4.3.23.7)

- 8) Bathing and Shower Facilities. If tubs or showers are provided, then at least one accessible tub that complies with subsection (n)(8)(A) of this Section or at least one accessible shower that complies with subsection (n)(8)(B) of this Section shall be provided. (ADAAG 4.23.8)

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

A) Bathtubs

- i) Floor Space. Clear floor space in front of bathtubs shall be as shown in Illustration B, Fig. 33. (ADAAG 4.20.2)
- ii) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Illustration B, Fig. 33 and 34. The structural strength of seats and their attachments shall comply with subsection (q)(3) of this Section. Seats shall be mounted securely and shall not slip during use. (ADAAG 4.20.3)
- iii) Grab Bars. Grab bars complying with subsection (q) of this Section shall be provided as shown in Illustration B, Fig. 33 and 34. (ADAAG 4.20.4)
- iv) Controls. Faucets and other controls complying with subsection (r)(4) of this Section shall be located as shown in Illustration B, Fig. 34. (ADAAG 4.20.5)
- v) Shower Unit. A shower spray unit with a hose at least 60 in. (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided. (ADAAG 4.20.6)
- vi) Bathtub Enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims. (ADAAG 4.20.7)

B) Shower Stalls

- i) Size and Clearances. Except as specified in Section 400.320(g)(2)(B), shower stall size and clear floor space shall comply with Illustration B, Fig. 35(a) or (b). The shower stall in Illustration B, Fig. 35(a) shall be 36 in. by 36 in. (915 mm by 915 mm) (nominal dimensions). Shower stalls required by Section 400.320(g)(2)(B) shall comply with Illustration B, Fig. 57(a) or (b). The shower stall in Illustration B, Fig. 35(b) will fit into the space required for a bathtub. (ADAAG 4.21.2)
- ii) Seat. A seat shall be provided in shower stalls 36 in. by 36 in. (915 mm by 915 mm) and shall be as shown in Illustration B, Fig. 36. The seat shall be mounted 17 in. to 19 in. (430 mm to 485 mm) from the bathroom floor and shall extend the full depth of the stall. In a 36 in. by 36 in. (915 mm by 915 mm) shower stall, the seat shall be on the wall opposite the controls. Where a fixed seat is provided in a 30 in. by 60 in. minimum (760 mm by 1525 mm) shower stall, it shall be a folding type and shall be mounted on the wall adjacent to the controls as shown in Illustration B, Fig. 57. The structural strength of seats and their

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- attachments shall comply with subsection (q)(3) of this Section. (ADAAG 4.21.3)
- iii) Grab Bars. Grab bars complying with subsection (q) of this Section shall be provided as shown in Illustration B, Fig. 37. (ADAAG 4.21.4)
- iv) Controls. Faucets and other controls complying with subsection (r)(4) of this Section shall be located as shown in Illustration B, Fig. 37. In shower stalls 36 in. by 36 in. (915 mm by 915 mm), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat. (ADAAG 4.21.5)
- v) Shower Unit. A shower spray unit with a hose at least 60 in. (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.
- EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head mounted at 48 in. (1220 mm) above the shower floor may be used in lieu of a hand-held shower head. (ADAAG 4.21.6)
- vi) Curbs. If provided, curbs in shower stalls 36 in. by 36 in. (915 mm by 915 mm) shall be no higher than 1/2 in. (13 mm). Shower stalls that are 30 in. by 60 in. (760 mm by 1525 mm) minimum shall not have curbs. (ADAAG 4.21.7)
- vii) Shower Enclosures. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats. (ADAAG 4.21.8)
- 9) Medicine Cabinets. If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44 in. (1120 mm) above the floor space. The floor space shall comply with Section 400.220(d). (ADAAG 4.23.9)
- 10) Water Temperature. The temperature of the hot water at the outlets for lavatories, bathtubs, and showers shall not exceed 110 degrees.
- 11) Portable Toilets. For single user portable toilets clustered at a single location, at least 5%, but no fewer than one toilet unit complying with subsection (n) or (o) of this Section, shall be installed at each cluster whenever typical inaccessible units are provided. Accessible units shall be identified by the international symbol of accessibility. EXCEPTION: Portable toilet units at construction sites used exclusively by construction personnel are not required to comply with this Section.

p) Storage

- 1) General. If fixed or built-in personal storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces, at least 5% of each type or at least one of each type

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- provided shall comply with the requirements below. Additional storage may be provided outside of these dimensions. (ADAAG 4.1.3(12)(a))
- 2) Clear Floor Space. A clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) complying with Section 400.220(d) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities. (ADAAG 4.25.2)
- 3) Height. Accessible storage spaces shall be within at least one of the reach ranges specified in Section 400.220(e) and (f) (see Illustration B, Fig. 5 and Illustration B, Fig. 6). Clothes rods or shelves shall be a maximum of 54 in. (1370 mm) above the finish floor for a side approach. Where the distance from the wheelchair to the clothes rod or shelf exceeds 10 in. (255 mm) (as in closets without accessible doors) the height and depth to the rod or shelf shall comply with Illustration B, Fig. 38(a) and Illustration B, Fig. 38(b). (ADAAG 4.25.3)
- 4) Hardware. Hardware for accessible storage facilities shall comply with subsection (r)(4) of this Section. Touch latches and U-shaped pulls are acceptable. (ADAAG 4.25.4)
- 5) Exception. Archival storage areas are exempt from accessibility by this Code.
- 6) Business Use. Shelves or display units allowing self-service by customers in mercantile and business areas shall be located on an accessible route complying with subsection (a) of this Section. Requirements for accessible reach range do not apply. (ADAAG 4.1.3(12)(B))
- q) Handrails, Grab Bars, and Tub and Shower Seats
- 1) General. All handrails, grab bars, and tub and shower seats required to be accessible shall comply with the requirements of this subsection (q). (ADAAG 4.26.1)
- 2) Size and Spacing of Grab Bars and Handrails. The diameter or width of the gripping surfaces of a handrail or grab bar shall be 1-1/4 in. to 1-1/2 in. (32 mm to 38 mm), or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1-1/2 in. (38 mm) (see Illustration B, Fig. 39(a), (b), (c), and (e)). Handrails may be located in a recess if the recess is a maximum of 3 in. (75 mm) deep and extends at least 18 in. (455 mm) above the top of the rail (see Illustration B, Fig. 39(d)). (ADAAG 4.26.2)
- 3) Structural Strength. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specifications:
- A) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112N) shall be less than the allowable stress for the material of the grab bar or seat.

CAPITAL DEVELOPMENT BOARD
NOTICE OF EMERGENCY AMENDMENTS

- shall be no greater than 5 lbf (22.2 N). (ADAAG 4.27.4)
- s) Alarms
- 1) General. Where emergency warning systems or alarms are provided or required by an applicable State or local building code, life safety code or fire protection regulation, such systems shall comply with the requirements below and shall be both audible and visual. Visual alarms shall be arranged so the flashing light beam can be seen at the required level of intensity from all common use areas. At a minimum, visual signal appliances shall be provided in buildings and facilities in each of the following areas: restrooms and any other general usage areas (e.g., meeting rooms), hallways, lobbies, and any other area for common use. (ADAAG 4.28.1)
 - 2) Audible Alarms. If provided, audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 dbA or exceeds any maximum sound level with a duration of 60 seconds by 5 dbA, whichever is louder. Sound levels for alarm signals shall not exceed 120 dbA. (ADAAG 4.28.2)
 - 3) Visual Alarms. Visual alarm signal appliances shall be integrated into the building or facility alarm system. If single station audible alarms are provided then single station visual alarm signals shall be provided. Visual alarm signals shall comply with the requirements of U.S. Architectural and Transportation Barriers Compliance Board Bulletin #2: Visual Alarms.
 - 4) Auxiliary Alarms. Units and sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm can be connected and a means by which a signal from the building emergency alarm system can trigger such an auxiliary alarm. When visual alarms are in place the signal shall be visible in all areas of the unit or room. Instructions for use of the auxiliary alarm or receptacle shall be provided. (ADAAG 4.28.4)

- t) Detectable Warnings
- Detectable warnings shall be provided as follows:
- 1) Detectable Warnings on Walking Surfaces. Detectable warning features on walking surfaces shall consist of exposed aggregate concrete, cushioned surfaces made of rubber or plastic, raised strips, or grooves. Features shall contrast with that of the surrounding surface. Raised strips or grooves shall comply with Illustration B, Fig. 40.
 - 2) Tactile Warnings on Doors to Hazardous Areas. Doors that lead to areas that might prove dangerous to a person who is visually impaired (for example, doors to loading platforms, boiler rooms, stages, etc.) shall be made identifiable to the touch by a textured surface on the door handle, knob, pull, or other

CAPITAL DEVELOPMENT BOARD
NOTICE OF EMERGENCY AMENDMENTS

- B) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.
- C) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.
- D) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112N) plus the maximum moment from the application of 250 lbf (1112N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.
- E) Grab bars shall not rotate within their fittings. (ADAAG 4.26.3)
- 4) Eliminating Hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 in. (3.2 mm). (ADAAG 4.26.4)
- r) Controls and Operating Mechanisms
- 1) General. Where controls and operating mechanisms are provided in accessible spaces, along accessible routes or as parts of accessible elements (for example, light switches and dispenser controls), operable parts and controls shall comply with the requirements of this subsection (r). (ADAAG 4.1.3(13))
 - 2) Clear Floor Space. Clear floor space complying with Section 400.220(d) that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment. (ADAAG 4.27.2)
 - 3) Height. The highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in Section 400.220(e) and (f). Electrical and communications system receptacles on walls shall be mounted no less than 15 in. (380 mm) above the floor.
- EXCEPTION: These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants. (ADAAG 4.27.3)
- 4) Operation. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

operating hardware. This textured surface may be made by knurling or roughening or by a material applied to the contact surface. Such textured surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas. See definition of "Hazardous Area".

3) Detectable Warnings at Stairs. All stairs, except those in dwelling units, in enclosed stair towers, or set to the side of the path of travel shall have a detectable warning at the top of stair runs (see Illustration B, Fig. 41).

4) Detectable Warnings at Hazardous Vehicular Areas. If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings, or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous, detectable warning texture, which is 36 in. (915 mm) wide, complying with subsection (t)(1) of this Section. (ADAAG 4.29.5)

5) Detectable Warnings at Reflecting Pools. The edges of reflecting pools shall be protected by railings, walls, curbs, or detectable warnings complying with subsection (t)(1) of this Section. (ADAAG 4.29.6)

6) Standardization. Textured surfaces for detectable warnings shall be standard within a building, facility, site, or complex of buildings.

u) Signage

Accessible signage shall comply with the following applicable provisions:

1) Character Proportion. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10. (ADAAG 4.30.2)

2) Character Height. Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. When signs are suspended or projected overhead in compliance with subsection (a)(4) of this Section, minimum character height shall be 3 inches or 75mm.

3) Raised and Brailled Characters and Pictorial Symbol Signs (Pictograms). Letters and numerals shall be raised 1/32 in. (3.2 mm) upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be at least 5/8 in. (16 mm) high, but no higher than 2 in. (50 mm). Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be 6 in. (152 mm) minimum in height. (ADAAG 4.30.4)

4) Finish and Contrast. The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background - either light

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

characters on a dark background or dark characters on a light background. (ADAAG 4.30.5)

5) Mounting Location and Height. Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be 60 in. (1525 mm) above the finish floor to the centerline of the sign. Mounting location for such signage shall be so that a person may approach within 3 in. (76 mm) of signage without encountering protruding objects or standing within the swing of a door. (ADAAG 4.30.6)

6) Symbols of Accessibility

A) Facilities and elements required to be identified as accessible by this Code shall use the international symbol of accessibility. The symbol shall be displayed as shown in Illustration B, Fig. 43(a) and (b).

B) Volume Control Telephones. Telephones required to have a volume control by subsection (v)(5) of this Section shall be identified by a sign containing a depiction of a telephone handset with radiating sound waves.

C) Text Telephones. Text telephones required by subsection (v)(9) of this Section shall be identified by the international TDD symbol (Illustration B, Fig. 43(c)). In addition, if a facility has a public text telephone, directional signage indicating the location of the nearest text telephone shall be placed adjacent to all banks of telephones which do not contain a text telephone. Such directional signage shall include the international TDD symbol. If a facility has no banks of telephones, the directional signage shall be provided at the entrance (e.g., in a building directory).

D) Assistive Listening Systems. In assembly areas where permanently installed assistive listening systems are required by Section 400.320(a)(6) the availability of such systems shall be identified with signage that includes the international symbol of access for hearing loss (Illustration B, Fig. 43(d)). (ADAAG 4.30.7)

7) Illumination Levels. (Reserved). (ADAAG 4.30.8)

8) Signage for Particular Elements or Spaces. Elements and spaces of accessible facilities which shall be identified by the international symbol of accessibility and which shall comply with subsection (u)(6)(A) of this Section are:

A) Parking spaces designated as reserved for individuals with disabilities (see subsection (c)(7) of this Section);

B) Accessible passenger loading zones;

C) Accessible entrances when not all are accessible (inaccessible entrances shall have directional signage to

CAPITAL DEVELOPMENT BOARD
NOTICE OF EMERGENCY AMENDMENTS

- (1) Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either forward or side reach telephones.
- (2) A bank consists of two or more adjacent public telephones, often installed as a unit.
- (3) EXCEPTION: For exterior installations only, if dial tone first service is available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall comply with subsection (v) of this Section). (ADAAG 4.1.3(17)(a))
- 2) Clear Floor or Ground Space. A clear floor or ground space at least 30 in. by 48 in. (760 mm by 1220 mm) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones (see Fig. 44). The clear floor or ground space shall comply with Section 400.220(d). Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs. (ADAAG 4.31.2)
- 3) Mounting Height. The highest operable part of the telephone shall be within the reach ranges specified in Section 400.220(e) or (f). (ADAAG 4.31.3)
- 4) Protruding Objects. Telephones shall comply with subsections (a)(4) and (10) of this Section. (ADAAG 4.31.4)
- 5) Hearing Aid Compatible and Volume Control Telephone Requirements
- A) Telephones shall be hearing aid compatible.
- B) All telephones required to be accessible shall be equipped with a volume control. Volume controls, capable of a minimum of 12 dba and a maximum of 18 dba above normal, shall be provided. If an automatic reset is provided then 18 dba may be exceeded. In addition, 25%, but never less than one, of all other public telephones provided shall be equipped with a volume control and shall be disbursed among all types of public telephones, including closed-circuit telephones, throughout the building or facility. Volume control telephone signage complying with the applicable provisions of subsection (u)(6) of this Section shall be provided. (ADAAG 4.1.3(17)(b) and 4.31.5)
- 6) Controls. Telephones shall have pushbutton controls where service for such equipment is available. (ADAAG 4.31.6)
- 7) Telephone Books. Telephone books, if provided, shall be located in a position that complies with the reach ranges specified in Section 400.220(e) and (f). (ADAAG 4.31.7)
- 8) Cord Length. The cord from the telephone to the handset shall be at least 29 in. (735 mm) long. (ADAAG 4.31.8)
- 9) Text Telephone Requirements. The following text telephones or other equipment shall be provided and each such location shall be identified with signage complying with the applicable provisions of subsection (u)(6) of this Section and Figure 43.

CAPITAL DEVELOPMENT BOARD
NOTICE OF EMERGENCY AMENDMENTS

- indicate the route to the nearest accessible entrance):
- D) Accessible toilet rooms, bathing facilities, and shower facilities when not all are accessible (inaccessible facilities shall have directional signage to indicate the route to the nearest accessible toilet room, bathing or shower facilities).
- 9) Directional or Informational Signage. Signs which provide direction to or information about functional spaces of the building shall comply with subsections (u)(1), (2) and (4) of this Section. (ADAAG 4.1.3(16)(b)) Where such signage conveys emergency information, it shall also have tactile characters or symbols.
- 10) Permanent Room Signage. Signs which designate permanent rooms and spaces shall comply with subsections (u)(3), (4) and (5) of this Section. (ADAAG 4.1.3(16)(a))
- 11) TDD Signage. Signs identifying "TDD Access" as required by subsection (u)(6) of this Section shall be provided. Signage shall comply with subsection (u)(6) of this Section but need not be tactile. Signage shall be mounted 54 in. (1370 mm) to 60 in. (1525 mm) above the floor.
- 12) Other Signage. Where other graphics or signage is provided, it shall comply with subsections (u)(1) through (6) of this Section, but need not have tactile characters or symbols.
- EXCEPTION: Building directories, menus and all other signs which are temporary are not required to comply. (ADAAG 4.1.3(16))
- v) Telephones
- 1) General. If public pay telephones, public closed-circuit telephones, or other public telephones are provided, then such telephones shall comply with the requirements of subsections (v)(2) through (8) of this Section to the extent required by the following table:

NUMBER OF EACH TYPE OF TELEPHONE PROVIDED ON EACH FLOOR	NUMBER OF TELEPHONES REQUIRED TO COMPLY WITH SECTION 400.310(v)(2) THROUGH (8)(1)
One or more single unit	One per floor
One bank(2)	One per floor
Two or more banks(2)	One per bank. Accessible unit may be installed as a single unit in proximity (either visual or with signage) to bank. At least one public telephone per floor shall meet the requirements of a forward reach telephone.(3)

TABLE NOTES:

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- A) If a total number of four or more public pay telephones (including both interior and exterior telephones) is provided at a site, and at least one is in an interior location, then at least one interior public text telephone shall be provided.
- B) If an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel with a convention center or in a covered mall, at least one interior public text telephone shall be provided in the facility.
- C) If a public pay telephone is located in or adjacent to a hospital emergency room, hospital recovery room, or hospital waiting room, one public text telephone shall be provided at each such location.
- D) Where a bank of telephones in the interior of a building consists of three or more public pay telephones, at least one public pay telephone in each such bank shall be equipped with a shelf and outlet in compliance with subsection (v)(9)(F) of this Section.
- E) Text telephones used with a pay telephone shall be permanently affixed within, or adjacent to, the telephone enclosure. If an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.
- F) Pay telephones designed to accommodate a portable text telephone shall be equipped with a shelf and an electrical outlet within or adjacent to the telephone enclosure. The telephone handset shall be capable of being placed flush on the surface of the shelf. The shelf shall be capable of accommodating a text telephone and shall have 6 in. (152 mm) minimum vertical clearance in the area where the text telephone is to be placed.
- G) Equivalent facilitation may be provided. For example, a portable text telephone may be made available in a hotel at the registration desk if it is available on a 24-hour basis for use with nearby public pay telephones. In this instance, at least one pay telephone shall comply with subsection (v)(2) of this Section. In addition, if an acoustic coupler is used, the telephone handset cord shall be sufficiently long so as to allow connection of the text telephone and the telephone receiver. Directional signage shall be provided and shall comply with subsection (u)(6) of this Section. (ADAAG 4.1.3(17)(c))

w) Fixed or Built-in Seating, Tables and Work Surfaces

- 1) General. If fixed or built-in seating or tables (including, but not limited to, study carrels and student laboratory stations), are provided in accessible public or common use areas, at least 5%, but not fewer than one, of the fixed or built-in seating

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY AMENDMENTS

- areas or tables shall comply with this Section. An accessible route shall lead to and through such fixed or built-in seating areas or tables. (ADAAG 4.1.3(18))
- 2) Seating. If seating spaces for people in wheelchairs are provided at fixed tables or counters, clear floor space complying with Section 400.220(d) shall be provided. Such clear floor space shall not overlap knee space by more than 19 in. (485 mm) (see Illustration B, Fig. 45). (ADAAG 4.32.2)
- 3) Knee Clearances. If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 19 in. (485 mm) deep shall be provided (see Illustration B, Fig. 45). (ADAAG 4.32.3)
- 4) Height of Tables or Counters. The tops of accessible tables and counters shall be from 28 in. to 34 in. (710 mm to 865 mm) above the finish floor or ground. (ADAAG 4.32.4)
- 5) Auxiliary Counters. Where service counters exceeding 34 in. (865 mm) in height are provided as standing counters, an auxiliary surface counter or other space suitable for the business transaction by an environmentally limited person shall be provided in the immediate vicinity and provide the same services. The auxiliary counter-top shall comply with this subsection (w).

(Source: Emergency amendment at 21 Ill. Reg. 9781, effective July 10, 1997, for a maximum of 150 days)

Section 400.420 Exemptions
EMERGENCY

Section 400.330 exemptions for new construction are applicable to additions. Additions to all buildings or parts of buildings are exempted in Section 400.330 from applicability of the minimum requirements for new construction.

(Source: Emergency amendment at 21 Ill. Reg. 9781, effective July 10, 1997, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Emergency Action:
148.297 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-9
- 5) Effective Date: July 2, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150- day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 2, 1997
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1998 budget plan and the enactment of the State's budget by the Legislature. These provisions are necessary to maintain access to essential hospital outpatient services for children. Emergency rulemaking is specifically authorized for the expeditious implementation of these budget initiatives by Section 5-45(d) of Public Act 90-9.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments establish the Pediatric Outpatient Adjustment Payments program. This new program will provide quarterly payments to cover the costs of outpatient services provided by children's hospitals. This program will ensure access to Medicaid eligible children for highly specialized outpatient procedures. It is expected that the annual cost of this program will be approximately \$7,000,000.
- 10) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.295	Amendment	July 18, 1997 (21 Ill. Reg. 9401)
148.296	New Section	July 18, 1997 (21 Ill. Reg. 9401)
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services
148.80 Organ Transplant Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.90 Heart Transplants (Repealed)
148.100 Liver Transplants (Repealed)
148.110 Bone Marrow Transplants (Repealed)
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991 Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payment (CHAP)
EMERGENCY
148.297 Pediatric Outpatient Adjustment Payments
EMERGENCY
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390 Hearings
148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9622, effective July 2, 1997, for a maximum of 150 days.

Section 148.297 Pediatric Outpatient Adjustment PaymentsEMERGENCY

Pediatric Outpatient Adjustment Payments shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for outpatient services occurring on or after July 1, 1997, in accordance with this Section.

- a) To qualify for payments under this Section, a hospital must:
 - 1) be a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), and
 - 2) have a Pediatric Medicaid Outpatient Percentage greater than 80 percent during the Pediatric Outpatient Adjustment Base Period.
- b) Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year:
 - 1) For hospitals with a Medicaid Inpatient Utilization Rate (MIUR) that is less than 75 percent, the product of:
 - A) the hospital's MIUR plus one, multiplied by,
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - C) \$70.
 - 2) For hospitals with an MIUR that is greater than or equal to 75 percent, the product of:
 - A) one and one-half the hospital's MIUR plus one, multiplied by,
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by

c) C) \$70.

In addition to the reimbursement rates described in subsection (b) above, hospitals that have an MIUR that is greater than or equal to 80 percent shall receive an additional \$500,000 during the Pediatric Outpatient Adjustment Rate Year.

d) Adjustments under this Section shall be paid on a quarterly basis.

e) Definitions

1) "Medicaid Inpatient Utilization Rate (MIUR)", as used in this Section, has the same meaning as defined in Section 148.120(k)(5), in effect for the rate period October 1, 1996, through September 30, 1997.

2) "Pediatric Adjustable Outpatient Services" means the number of outpatient services, excluding procedure code 0080, billed through a UB92 billing form and grouped through the Hospital Ambulatory Care Groupings, as defined in Section 148.140(b)(1), during the Pediatric Outpatient Adjustment Base Period.

3) "Pediatric Medicaid Outpatient Percentage" means a percentage that results from the quotient of the total UB92 billed outpatient services for persons less than 18 years of age divided by the total UB92 billed outpatient services for all persons, during the Pediatric Outpatient Adjustment Base Period.

4) "Pediatric Outpatient Adjustment Base Period" means all services billed to the Department, excluding procedure code 0080, with State Fiscal Year 1996 dates of service that were adjudicated by the Department on or before March 31, 1997.

5) "Pediatric Outpatient Adjustment Rate Year" means State Fiscal Year 1998 and each State Fiscal Year hereafter.

6822

(Source: Added by Emergency Amendment at 21 Ill. Reg. effective July 2, 1997, for a maximum of 150 days)

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Regulations under Illinois Securities Law of 1953

2) Code Citation: 14 Ill. Adm. Code 130

3) Section Numbers: Emergency Action:

130.110

Amend

130.280

Amend

130.281

New

130.805

Amend

130.823

Amend

130.838

New

130.839

New

130.841

Amend

130.843

New

130.845

Amend

130.852

Amend

130.853

Amend

130.854

Amend

4) Statutory Authority: 815 ILCS 5

5) Effective Date of Rules: July 8, 1997

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office: July 8, 1997

8) Reason for Emergency: HB 1168 was signed by the Governor on July 8, 1997, the effective date of the Act. The Act amends the Illinois Securities Law of 1953 to implement the National Securities Market Improvement Act passed by Congress in October of 1996.

The Department through the legislative process worked with the affected entities through the Secretary of State's Securities Advisory Committee and the Securities Industry Association. A summary of the Act is being mailed to all investment advisers and a copy of the Act will be mailed to industry groups and self-regulatory organizations.

9) A Complete Description of the Subjects and Issues Involved: Section 130.110, Payment of Fees, is amended to authorize notification filing fees and renewal fees for Federal Covered Investment Advisers, registration fees for representatives of Federal Covered Investment Advisers and Investment Advisers, other fees for Federal Covered Investment Advisers and the representatives of Federal Covered Investment Advisers and Investment Advisers, and to delete the reference to the Investment Adviser Examination fee.

Section 130.280 is amended to delete references to investment adviser branch offices to be consistent with a new federal definition of investment adviser branch offices.

Section 130.281 is amended to adopt the new definition of investment adviser and federal covered investment branch offices provided in federal law.

Section 130.805 is amended to adopt the federal definition of the number of clients allowed in 12 consecutive months before registration is required.

Section 130.823 is amended to authorize a procedure for the waiver of examination requirements for investment adviser representatives and principals.

Section 130.838 is added to develop procedures for the notification filing and fees of Federal Covered Investment Advisers. The Illinois Securities Act has been amended to authorize notification filing of Federal Covered Investment Advisers and the collection of fees.

Section 130.839 is added to develop procedures for the registration of investment adviser representatives. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.841 is amended to set forth the branch office reporting requirements for Federal Covered Investment Advisers.

Section 130.843 is added to set forth examination or education program requirements for registration of investment adviser representatives.

Section 130.845 is amended to remove Illinois books and records requirements for investment advisers that are in compliance with the applicable books and records requirements of the state in which the investment adviser is registered or licensed and maintains its principal place of business.

Section 130.852 is amended to also apply to the representatives of investment advisers. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.853 is amended to also apply to the representatives of investment advisers. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.854 is amended to also apply to the representatives of investment advisers. The Illinois Securities Act has been amended to

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENTS
TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE
PART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953
SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
EMERGENCY	
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies--Signatures
130.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section	
133.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 of the Act
130.212	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)
130.215	Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENTS

authorize the registration of investment adviser representatives.

- 10) Are there any proposed amendments to this Part pending? Yes
- 11) Statement of Statewide Policy Objectives: To enact, by emergency rulemaking, the provisions of Public Act 90-70, amending the Illinois Securities Law.
- 12) Information and questions regarding this rule shall be directed to:
Theresa Oxtoby
Illinois Securities Department
520 South Second Street, Ste. 200
Springfield, Illinois 62701
217/524-8040

The full text of the emergency amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Sections 4C and 4D of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4(G) of the Act and "General Advertising or General Solicitation" Under Sections 4(G), 4(H), 4(M) and 4(R) of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
- EMERGENCY
130.281 Definition of the Term "Branch Office" of a Registered Investment

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- EMERGENCY
130.282 Adviser or a Federal Covered Investment Adviser, as Used in Section 8 of the Act
- 130.285 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.291 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

- Section
130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

- Section
130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4(G) of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4(G) of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
- 130.491 Report of Sale of Securities pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

- Section
130.501 Title of Securities
- 130.502 Financial Statement Requirements
- 130.503 Disclaimer of Control
- 130.505 Formal Requirements as to Consents
- 130.506 Consents Required in Special Cases
- 130.507 Application to Dispense with Consent
- 130.508 Consent to Use of Material Incorporated by Reference
- 130.510 Procedures for Registration of Securities by Coordination under

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENTS
SUBPART G: INVESTMENT FUND SHARES

Section	Preamble
130.700	Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
130.701	Procedures for Registration of Investment Fund Shares by Coordination Under Section 7.A of the Act
130.710	Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
130.715	Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
130.730	Additional Fees Under Section 7 of the Act
130.750	Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares
130.771	

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section	Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act
130.805	
EMERGENCY	Procedures for Registration as a Dealer Under Section 8.B of the Act
130.810	Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)
130.811	Procedure for Renewal and Withdrawal from Registration as a Dealer
130.820	Reporting of Dealer Branch Office Location(s) and Required Fees
130.821	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
130.822	Procedure for Requesting Waiver of Dealer, Salesperson, or Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
130.823	

EMERGENCY	Financial Statements to be Filed by a Registered Dealer
130.824	Records Required of Dealers and Customer Fees
130.825	Registered Dealer Net Capital Requirement
130.826	Confirmations
130.827	Notice of Materially Adverse Financial Condition Required to Be Filed with the Securities Department By a Registered Dealer
130.828	Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
130.829	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8(C)(7) of the Act for Registration as a Salesperson
130.832	Procedures for Federal Covered Investment Adviser Notification
130.838	Filing and Fees Under Section 8.C-5 of the Act

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENTS

130.520	Section 5.A of the Act
130.525	Procedures for Registration of Securities by Qualification under Section 5.E of the Act
130.530	Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.531	Renewal of Registration of Securities Under Section 5(E) of the Act
130.532	Computation of Fees
130.533	Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.534	Formal Requirements for Amendments Under Section 5 of the Act
130.535	Powers to Amend or Withdraw Registration Statement
130.536	Signatures of Amendments
130.538	Delaying Amendments
130.540	Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act.
	Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
130.550	Additional Fees Under Section 5 of the Act
130.570	Legibility of Prospectuses
130.571	Presentation of Information in Prospectuses
130.572	Summaries or Outlines of Documents
130.573	Preparation of Application for Registration
130.574	Incorporation of Certain Information by Reference
130.575	Form of and Limitation Upon Incorporation by Reference
130.576	Statement Required in Prospectuses
130.577	Prospectuses Supplementing Preliminary Material Supplied Previously
130.578	Application of Amendments to this Part Governing Contents of Prospectuses
130.581	Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
130.582	Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
130.590	Identifying Statements
130.591	Requirements as to Appraisals
130.592	Omission of Substantially Identical Documents
130.593	Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section	Preamble
130.600	Procedures for Registration of Face Amount Certificate Contracts by Coordination Under Section 6.A of the Act
130.610	Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act
130.630	Additional Fees Under Section 6 of the Act
130.650	

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY
130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

EMERGENCY
130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act

130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

EMERGENCY
130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8(D)(9) of the Act Prior to Registration as an Investment Adviser

130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

EMERGENCY
130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements

130.845 Records Required of Investment Advisers

EMERGENCY
130.846 Written Disclosure Statements of a Registered Investment Adviser

130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients

130.850 Account Transactions

130.851 Commission, Profit or Other Compensation

130.852 Compensation

EMERGENCY
130.853 Account Transactions

EMERGENCY
130.854 Use of the Term "Investment Counsel"

EMERGENCY
130.860 Additional Fees Under Section 8 of the Act

130.872 Procedure with Respect to Abandoned Dealer Applications

130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section
130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
130.1100 Preamble

130.1101 Qualifications and Duties of the Hearing Officer

130.1102 Notice of Hearing

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

130.1103 Institution of a Contested Case by the Securities Department

130.1104 Requirement to File an Answer

130.1105 Amendment or Withdrawal of the Notice of Hearing

130.1106 Representation

130.1107 Special Appearance

130.1108 Substitution of Parties

130.1109 Failure to Appear

130.1110 Motions

130.1111 Requirements Relating to Continuances

130.1112 Rules of Evidence

130.1113 Form of Papers

130.1114 Bill of Particulars

130.1115 Discovery

130.1116 Examination of Witnesses

130.1117 Subpoenas

130.1118 Pre-Hearing Conferences

130.1119 Record of a Pre-Hearing Conference

130.1120 Hearings

130.1121 Record of Proceedings

130.1122 Record of Hearing

130.1123 Orders

130.1124 Burden of Proof

130.1125 Stipulations

130.1126 Open Hearings

130.1127 Corrections to the Transcript

130.1128 Imposition of Fines

130.1129 Application for Hearing to Present Newly Discovered Evidence

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
130.1520

Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section
130.1661
130.1662

Investors Syndicate of America, Inc.
State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
130.1701
130.1702
130.1703

Inspection of Applications
Inspection of Dealer, Salesperson and Investment Adviser Records
Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Section 5(A)	
General Filing or Renewal Fee	\$500-\$2,500**
Filing or Renewal Fee for Shelf Offerings	\$500-\$6,000**
Filing or Renewal Fee for Series Issuers	\$500-\$3,000**
Section 5(B)	
General Examination Fee	\$300
General Filing Fee	\$500-\$1,500**
Amendment Examination Fee	\$50 (If not filed under the Federal 1933 Act)
SCOR Examination Fee	\$150
SCOR Filing Fee	\$250
SCOR Amendment Examination Fee	\$25
Section 5(C)	
General Oversale Filing Fee	\$500
Oversale Filing Fee for Shelf Offerings	\$500
Oversale Filing Fee for Series Issuers	\$500
Section 5(E)	
Additional fee for renewal of securities 9 business days or less but prior to expiration of registration or renewal	\$200
Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most	

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 8420, effective July 8, 1997, for a maximum of 150 days.

SUBPART A: RULES OF GENERAL APPLICATION

Section 130.110 Payment of Fees

EMERGENCY

a) Fees under the Act are as follows:

Section 4(D)	
Filing Fee	\$100
Section 4(F)(2)	
Application Filing Fee	\$1,000
Section 4(G)	
Report of Sale Filing Fee	\$25-\$1,000*
Section 4(P)	
Offering Sheet Examination Fee	\$300
Report of Sale Filing Fee	\$10-\$100*

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

recent registration
or renewal)

1st-30th day \$500
31st-60th day
\$1,000
61st-90th day
\$1,500
91st-120th day
\$2,000
121st-150th day
\$2,500
151st-180th day
\$3,000
On or after 181st
day \$5,000

Section 5(H)

Additional fee for the failure
to file or file timely any
required post-registration
document

\$50

Additional fee for the failure
to file or file timely notice
of SEC effectiveness for
filings made on the third
through tenth business day
after SEC effectiveness

\$100

Additional fee for the failure
to file or file timely notice
of SEC effectiveness
for filings made after
the tenth day after
SEC effectiveness

11th-30th day
\$200

31st-60th day
\$400

61st-90th day
\$600

91st-120th day
\$800

121st-150th day
\$1,000

151st-180th day
\$1,200

On or after the
181st day \$2,500

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Section 6(A)

Filing
or Renewal Fee
Amendment Filing

\$1,000

Fee for Additional Series,
Types or Classes

\$100

Section 6(B)

Examination Fee

\$300

Filing or Renewal Fee

\$1,000

Amendment Examination Fee

\$50

Amendment Filing Fee for
Additional Series, Types or
Classes

\$100

Transaction Charge

\$10

Annual Fee

1/30th of 1% of average of
quarterly computation of
aggregate principal amount
of securities on deposit

Section 6(F)

Additional fee for renewal
of securities 9 business
days or less but prior
to expiration of registration
or renewal

\$200

Additional fee after expiration
of registration or renewal
(not to exceed one year after
the date of expiration of the
most recent registration or
renewal)

1st-30th day \$500

31st-60th day
\$1,000

61st-90th day
\$1,500

91st-120th day
\$2,000

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENTS

121st-150th day
\$2,500
151st-180th day
\$3,000
On or after the
181st day \$5,000

Section 6(L)

Additional fee for the failure
to file or file timely any
required post-registration
document

\$50

Additional fee for the failure
to file or file timely notice
of SEC effectiveness for
filings made on the third
through tenth business day
after SEC effectiveness

\$100

Additional fee for the failure
to file or file timely notice
of SEC effectiveness
for filings made after
the tenth day after SEC
effectiveness

11th-30th day
\$200

31st-60th day
\$400

61st-90th day
\$600

91st-120th day
\$800

121st-150th day
\$1,000

151st-180th day
\$1,200

On or after the
181st day \$2,500

Section 7(A)

Filing or Renewal Fee

\$1,000 plus \$100
for each series,
class or
portfolio

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENTS

Section 7(B)

Examination Fee

\$300

Filing or Renewal Fee

\$1,000, plus \$100
for each series,
class or portfolio

Amendment Examination Fee

\$50

Section 7(D)

Amendatory statement

\$100

Section 7(G)

Additional fee for renewal
of securities 9 business
days or less but prior to
expiration of registration
or renewal

\$200

Additional fee after expiration
of registration or renewal
(not to exceed one year after
the date of expiration of the
most recent registration
or renewal)

1st-30th day \$500
31st-60th day
\$1,000

61st-90th day
\$1,500

91st-120th day
\$2,000

121st-150th day
\$2,500

151st-180th day
\$3,000

On or after the
181st day \$5,000

Section 7(J)

Additional fee for the failure
to file or file timely any
required post-registration
document

\$50

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness

\$100

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness

11th-30th day
\$200
31st-60th day
\$400
61st-90th day
\$600
91st-120th day
\$800
121st-150th day
\$1,000
151st-180th day
\$1,200
On or after the
181st day \$2,500

Section 8

Dealer Filing or Renewal Fee

Dealer fee to report a change in its form of organization

\$300*** plus \$20 for each branch office in this State

\$300

Investment Adviser Filing or Renewal Fee and Federal Covered Investment Adviser notification filing fee or renewal fee

\$200*** plus \$20 for each branch office in this State plus a \$10 Securities-Audit and-Enforcement Fund-fee-for-each investment-adviser representative-who is-not-registered in-this-state-as-a salesperson-for-a

registered-dealer-(all fees-may-be-paid by-a-single check)-

Federal Covered Investment Adviser fee and Investment Adviser fee to report a change in its form of organization

\$200

Investment-Adviser-Examination-Fee

\$50

Salesperson Filing or Renewal Fee

\$75

(\$40 filing or renewal fee and \$35 Securities Audit and Enforcement Fund fee; all fees may be paid by a single check).

Salesperson Transfer Fee

\$75 (\$40

transfer fee and \$35 Securities Audit and Enforcement Fund fee; all fees may be paid by a single check).

Federal Covered Investment Adviser Representative and Investment Adviser Representative

\$75 Securities Audit and Enforcement Fund fee

Federal Covered Investment Adviser Representative and Investment Adviser Representative transfer fee

\$75 Securities Audit and Enforcement Fund fee

Section 8(J)

Additional fee for the failure to file or file timely any required statement of financial condition or financial statement

\$250

Additional fee for the

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Additional fee for payment
of fee returned to the
Securities Department
due to insufficient funds
or for a similar reason \$50

- * 1/10th of 1% of the aggregate dollar amount reported therein, but not less than the specified minimum nor more than the specified maximum.
- ** 1/20th of 1% of the maximum aggregate price, as defined in Section 130.251 of this Part, but not less than the specified minimum nor more than the specified maximum.
- *** Twice the amount indicated if renewal application is filed within 6 days preceding the expiration of the current registration.
- b) All payments of fees, except for payment of administrative fines under Section 11(E) of the Act as set forth below, shall be made by check, money order, certified check, bank cashier's check, bank money order or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State ("Secretary") shall be accepted as payment of any fee. All payments for administrative fines under Section 11(E) of the Act in excess of \$500, except for a person registered under Section 5, 6, 7 or 8 of the Act, shall be made by money order, certified check or bank cashier's check.
- c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.
- d) The Secretary shall require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.
- e) All payment of fees under Sections 4, 5, 6, 7 and 8 of the Act shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is within \$5 of the actual amount due.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 8, 1997, for a maximum of 150 days)

9829

SUBPART B: DEFINITIONS

Section 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act

EMERGENCY

- a) "Branch office" as used in Section 8 of the Act shall mean any office,

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

second and subsequent
failure to file or file
timely any required
statement of financial
condition or financial
statement \$500

Additional fee for the failure
to file or file timely any
required post-registration
or post-notification
document (other than
statement of financial
condition or financial
statement) \$50

Additional fee for the second
and subsequent failure to
file or file timely any
required post-registration
or post-notification
document (other
than statement of financial
condition or financial
statement) \$250

Section 10

Service of Process
(when served upon
the Secretary) \$10

Sections 15(B) and 15(C)

Certificate \$10

Certified Copy of Document \$10 plus

Each Page Certified \$.50

Section 15a

Non-binding statement \$75

Duplication of documents
each page duplicated \$.50

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

residence or other place or location in this State where the business of a registered dealer or registered investment adviser is being conducted and which is in the case of a registered dealer, is owned or controlled by, or operated directly or indirectly for the benefit of, the registered dealer, and where the business of a dealer is conducted by a principal, salesperson or salespersons for such registered dealer, or

2) in the case of a registered investment adviser, is owned or controlled by, or operated directly or indirectly for the benefit of, the registered investment adviser, and where the business of an investment adviser is conducted by a principal, salesperson or salespersons for such registered investment adviser, or

b) The principal office located in this State of the registered dealer or registered investment adviser, if any, shall not be considered a branch office.

c) Except as otherwise provided in subsection (b) of this Section, for purposes of this Section, each office, residence or other place or location where business is being conducted in this State on behalf of a registered dealer and registered investment adviser shall be considered a branch office for the registered dealer and the registered investment adviser.

(Source: Emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days)

Section 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser or a Federal Covered Investment Adviser, as Used in Section 8 of the Act

EMERGENCY

a) "Branch office" as used in Section 8 of the Act shall mean any office, residence or other place or location in this State where the registered investment adviser or the federal covered investment adviser or their investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients, or any other location that is held out to the general public as a location at which the registered investment adviser or the federal covered investment adviser or their investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients.

b) The principal office located in this State of the registered investment adviser or the federal covered investment adviser, if any, shall not be considered a branch office.

(Source: Added by emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.805 Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act

EMERGENCY

The Secretary pursuant to Section 8(A) of the Act hereby exempts from registration as an investment adviser:

a) any investment adviser whose only clients in this State are any one or more of the following, whether acting on their own behalf or in some fiduciary capacity:

- 1) investment companies as defined in the Federal 1940 Investment Company Act, as defined in Section 130.200 of this Part;
- 2) employee pension or profit-sharing plans or trusts having total assets of not less than five million dollars (\$5,000,000.00);
- 3) governments and governmental agencies or instrumentalities, and whether acting for itself or as a trustee with investment control; or
- 4) banks, savings banks, savings institutions, trust companies, insurance companies, building and loan associations and other financial institutions or institutional investors, and any other persons to whom an offer, sale or issuance of a security would be exempt pursuant to Section 4(C), 4(D) or 4(H) of the Act, provided that such persons maintain a net worth of not less than one million dollars (\$1,000,000.00); and

b) any investment adviser or federal covered investment adviser who during the immediately preceding twelve (12) consecutive months did not generally advise or generally solicit clients in this State as described in Section 130.246(d) of this Part and has not had more than five (5) clients in this State in addition to clients of the types specified in subsection (a) of this Section, whether or not such investment adviser is then present in this State.

(Source: Emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days)

Section 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, or Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements

EMERGENCY

a) If a person applying for registration as a dealer, salesperson, or investment adviser, investment adviser representative, or principal seeks a waiver of the examination requirements as provided in Section 8 of the Act, the request for the waiver shall be in writing on a form and in the manner prescribed by the Secretary.

b) The request for the waiver of the examination requirement shall contain the following information:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 1) The business name and address of the dealer (or investment adviser for investment adviser and investment adviser representative applicants or federal covered investment adviser for its investment adviser representative applicants) with which the applicant is or will be associated;
 - 2) The official title and connection of the applicant with the dealer (or federal covered investment adviser or investment adviser);
 - 3) The applicant's legal name;
 - 4) The applicant's business address and telephone number;
 - 5) The applicant's residential address and telephone number;
 - 6) The applicant's date of birth;
 - 7) A list of any other names the applicant has used including the dates used, the reason for the name change, and the date the applicant's present name was adopted;
 - 8) The amount of ownership of capital stock or partnership interest of the dealer (or investment adviser) that the applicant is associated with;
 - 9) The nature and tenure of each job the applicant currently holds or has held for ten (10) years prior to the date of the waiver request. In addition, investment adviser applicants must provide the total aggregate dollar value of investment advisory accounts serviced, whether the applicant had discretionary authority over the accounts, and the total percentage of institutional accounts the applicant serviced of those entities enumerated in Section 4(C) of the Act;
 - 10) The applicant's educational history including degrees received;
 - 11) Any professional certifications or designations;
 - 12) Any NASD or related examinations taken by the applicant;
 - 13) The name, address and business affiliation of three (3) persons to whom the Secretary may address inquiries regarding experience, qualification and standing of the applicant; and
 - 14) A list of where the applicant has been licensed or registered as a dealer, salesperson or investment adviser including the state or licensing agency, the type of license or registration and the period during which the registration was effective.
- c) The request shall be signed and notarized. By signing the waiver request, the applicant is attesting to the following (unless a detailed explanation is attached):
- 1) The applicant has never had any license or registration as a dealer, investment adviser, investment adviser representative or salesperson, suspended, cancelled or revoked after notice and opportunity for hearing;
 - 2) The applicant has never been temporarily or permanently enjoined from acting as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson or employee thereof or from engaging in or continuing any conduct or

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- practice in connection with activity as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company after notice and opportunity for hearing;
- 3) The applicant has never been convicted of any felony or misdemeanor involving the purchase or sale of any securities or arising out of any conduct as an investment adviser, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company;
 - 4) The applicant has never been permanently or temporarily enjoined from the issuance, offering for sale, sale, promotion, negotiation, advertising or distribution of securities;
 - 5) The applicant has never been named as a defendant in any proceeding arising from a complaint alleging a fraudulent act in any transaction of any kind or character;
 - 6) The applicant has never been found by any state or federal board, body, department or commission to have willfully made any untrue statement of a material fact in any application for registration or license as a dealer, investment adviser or salesperson or in any report required to be filed with the subject body, board, department or commission or under the Federal 1934 Act or to have willfully omitted to state in such application or report any material fact which is required to be stated therein; and
 - 7) The applicant has never been disbarred or suspended from the practice of any profession.
- d) After the Securities Department receives the request, the request shall be granted or denied based upon criteria which includes, but is not limited to the following: education, years of experience in the securities business, past disciplinary history, and prior registration with the SEC, any state securities regulator, or the NASD. The applicant shall be informed in writing of the Securities Department's decision.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 8, 1997, for a maximum of 150 days)

Section 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act

EMERGENCY

- a) Federal covered investment advisers shall file with the Securities Department copies of page 1 of the most recent Form ADV, Schedule E, and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.
- b) For purposes of annual notification filing a Federal covered

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

investment adviser shall file with the Securities Department the Annual Notification filing form and Schedule I to Form ADV, or copies of page 1 of the most recent Form ADV, Schedule E and I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.

c) Amendments to page 1 of Form ADV shall be filed with the Securities Department at the same time they are filed with the Securities and Exchange Commission.

d) In the event the federal covered investment adviser changes the form of its organization it shall pay the fee specified in Section 130.110 of this Part.

e) A federal covered investment adviser that is no longer eligible for Securities and Exchange Commission registration shall file as an investment adviser with the Securities Department within 90 days after the date the investment adviser is required to file Schedule I to Form ADV with the Securities and Exchange Commission indicating it is no longer eligible for Securities and Exchange Commission registration.

f) In the event the notification or the full amount of fees required by this Section are not filed with or paid to the Secretary of State, the Secretary of State shall notify the federal covered investment adviser of such deficiency in writing, or by facsimile or electronic transmission (provided that the Securities Department can demonstrate in the normal course of its business that the notice was delivered or transmitted to and received by the federal covered investment adviser or its designee). In the event the federal covered investment adviser fails to remedy the deficiency within ten business days of receiving notice of such deficiency from the Secretary of State, the Secretary of State may deem such a refusal and may, until October 11, 1999, require the federal covered investment adviser to register pursuant to subsection A of Section 8 of the Act.

(Source: Added by emergency amendment at 21 Ill. Reg. _____, effective July 8, 1997, for a maximum of 150 days)

Section 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

a) Each investment adviser and federal covered investment adviser shall file with the Securities Department a complete and current application for each investment adviser representative and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.

b) The application shall consist of a Form U-4 for each investment adviser representative.

c) For purposes of the annual re-registration of investment adviser representatives, each investment adviser and federal covered investment adviser shall file with the Securities Department the

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

annual re-registration of investment adviser form, or the annual notification filing form for federal covered investment advisers, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.

d) For the purposes of this Section an investment adviser representative of a federal covered investment adviser shall mean any partner, officer, director (or other person occupying a similar status or performing similar functions), or an employee of a federal covered investment adviser, or any other person who provides investment advice on behalf of the federal covered investment adviser and is subject to the supervision and control of the federal covered investment adviser, if:

1) more than ten percent of such person's clients are natural persons, other than sophisticated clients; and

2) such person has a place of business in the State of Illinois.

3) As used in this subsection, the term "sophisticated client" shall mean a natural person who, immediately after entering into the investment advisory contract with the federal covered investment adviser has at least \$500,000 under management with the federal covered investment adviser or the federal investment adviser reasonably believes, immediately prior to entering into the advisory contract, the person has a net worth (together with assets held jointly with a spouse) at the time the contract is entered into of more than \$1,000,000.

e) The application on file with the Securities Department shall be amended whenever a change occurs that renders inaccurate any information contained in the application. The amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.

f) In the event the investment adviser representative's activities are terminated, the investment adviser shall file Form U-5 with the Securities Department within 30 days of the termination.

g) In the event the investment adviser representative transfers registration from one investment adviser or federal covered investment adviser to another investment adviser or federal covered investment adviser, the new investment adviser or federal covered investment adviser shall file Form U-4 with the Securities Department, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.

(Source: Added by emergency amendment at 21 Ill. Reg. _____, effective July 8, 1997, for a maximum of 150 days)

Section 130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

a) Each applicant--for--registration-as-a investment adviser and federal

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

covered investment adviser shall file with the Securities Department with its application for registration or notification filing a schedule setting forth the address of each branch office in this State as defined in Section 130.280 of this Part. A Schedule E of the Uniform Application for Investment Adviser Registration required by Section 130.840(a)(1) of this Part disclosing each branch office in this State shall be accompanied by the payment of the fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.

b) Each registered investment adviser and federal covered investment adviser shall file or have filed with the Securities Department at least six (6) days prior to re-registration or notification renewal a schedule setting forth the address of each branch office and pay the Securities Department in Springfield a fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.

c) No registration or re-registration or notification or notification renewal of an investment advisor or a federal covered investment adviser shall become effective until such schedule of the investment adviser's or the federal covered investment adviser's branch offices has been filed with the Securities Department and such fee, if any has been paid.

d) The registered investment adviser shall amend its application for registration by filing with the Securities Department in Springfield within ten (10) business days after:

- 1) the opening of any branch office in this State not previously reported and setting forth the address of such branch office; and
- 2) the closing of any branch office in this State and setting forth the address of such branch office.

e) A federal covered investment adviser shall file with the Securities Department in Springfield each amendment to Schedule E of Form ADV when filed with the Securities and Exchange Commission.

(Source: Emergency amendment at 21 Ill. Reg. 9823, effective July 8, 1997, for a maximum of 150 days)

Section 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

EMERGENCY

a) The Series 65 Uniform Limited Investment Adviser Law Examination conducted by the NASD or the Series 66 Uniform Combined State Law Examination conducted by the NASD or the Educational Programs as set forth below are deemed satisfactory for purposes of determining sufficient knowledge of each investment adviser representative under Section 8.D-5 of the Act:

- 1) Designation of Chartered Financial Analyst (CFA) by The Institute

of Chartered Financial Analysts;
 2) the Investment Counsel Association of America (ICAA);
 3) Certification as a Chartered Financial Consultant (ChFC) by the American College at Bryn Mawr, Pennsylvania; or
 4) Designation of Certified Financial Planner (CFP) by the Institute of Certified Financial Planners.

b) Scheduling of the Series 65 or 66 examination shall be with and fees paid to an office of the NASD.

c) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser representative if such information is not available to the Securities Department through the CRD.

d) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (a) of this Section prior to registration as an investment adviser representative. No fee is due to the Securities Department when this information is submitted.

(Source: Added by emergency amendment at 21 Ill. Reg. 9823, effective July 8, 1997, for a maximum of 150 days)

Section 130.845 Records Required of Investment Advisers
EMERGENCY

a) Except as provided in subsection (d) of this Section, every Every investment adviser registered by the Secretary of State shall keep the books and records set out in this Section unless otherwise designated by the Secretary of State:

- 1) ledgers (or other records) reflecting all assets and liabilities, income and expense, and capital accounts;
- 2) a record showing all payments received, including date of receipt, purpose and from whom received, and all disbursements, including date paid, purpose and to whom made;
- 3) a record showing all receivables and payables;
- 4) records showing separately for each client the securities purchased or sold, and, to the extent it has been made available to the investment adviser, the date and amount of and price at which such purchases or sales were executed. If available to the investment adviser, this record should also show the name of the security dealer who handled the transaction;
- 5) records showing separately all securities acquired by the clients of the investment adviser and indicating thereon the proper identification of this individual account, the date, amount and price at which such securities were purchased or sold by or for each client; or, in the alternative, a record showing all securities (other than securities enumerated in Section 3.A of the Act) bought or sold by or for the accounts of all clients of

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

the investment adviser in each month, the total number of shares or principal amount of each security bought or sold and the lowest and highest price at which purchases or sales were made during the month;

- 6) copies of dealer's confirmations of all transactions placed by the investment adviser for any account, and the other dealer's confirmations as may be supplied to the investment adviser by a client or dealer;
- 7) a list showing all accounts in which the investment adviser is vested with discretionary power, unless the records required by subparagraphs (a)(4) and (5) of this Section are maintained in such manner as to disclose which are discretionary accounts, provided that the provisions of subparagraphs (a)(4) and (5) of this Section shall not apply:

- A) to any securities with respect to which the investment adviser renders no services of a supervisory or other nature; or
- B) to any securities or transactions which a client declines to disclose to the investment adviser;
- and provided further that the provisions of subparagraphs (a)(4), (5), (6) and (7) above shall not apply to the accounts of any investment adviser where the services consist solely of the distribution of written or printed publications on a subscription basis.

b)

- 1) Every investment adviser registered by the Secretary of State shall preserve for a period of not less than 3 years, the first 2 years in an easily accessible place, all records required by paragraph (a) of this Section and the following additional records:

- A) all check books, bank statements, cancelled checks and cash reconciliations;
- B) all bills or statements (or copies thereof), paid or unpaid, relating to the business of such investment adviser;
- C) originals of all communications received and copies of all communications sent by such investment adviser relating to the business of the investment adviser;
- D) all power of attorneys and other evidence of the granting of any discretionary authority in any account, and copies of resolutions empowering an agent to act on behalf of any client;
- E) all written agreements (or copies thereof), entered into by an investment adviser relating to the business of the investment adviser, including agreements with respect to any account, which agreements shall set forth the fees to be charged and the manner of computation and method of payment thereof.

- 2) For a period of not less than 3 years after the closing of any

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

client's account, all required records relating to such account shall be preserved by every registered investment adviser.

- 3) Every registered investment adviser shall preserve, during the life of the enterprise and of any successor enterprise, all partnership agreements, certificates or articles, or, in the case of a corporation, all articles of incorporation or charter, minute books and stock certificate books.

- 4) After a record or other document has been preserved for 2 years, a photograph thereof on film may be substituted for the balance of the required time.

- c) Any records required by this Section may be maintained:

- 1) in such manner that the identity of any client or clients to whom a registered investment adviser renders investment supervisory service is indicated by numerical, alphabetical, code or similar designations, or
- 2) in duplicate with one set of the records having the identity of any client or clients to whom a registered investment adviser renders investment supervisory service deleted or indicated by numerical, alphabetical, code or similar designation, as may be appropriate to the record required.

- d) This Section shall not apply to any investment adviser that is registered or licensed as such in the state in which it maintains its principal place of business and is in compliance with the applicable books and records requirements of the state in which it maintains its principal place of business.

(Source: Emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days)

Section 130.852 Compensation

EMERGENCY

- a) No registered investment adviser or its representatives shall charge or receive compensation in connection with the giving of investment advice unless such compensation is fair and reasonable and is determined on an equitable basis adequately disclosed to each client in writing.

- b) No registered investment adviser or its representatives shall charge or receive compensation in connection with the giving of investment advice which provides for compensation to the investment adviser or its representative on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client, unless such fees are charged in conformance with the provisions set forth in 17 CFR 275.205-3, as in effect on January 1, 1997 July 17-1999 (no subsequent amendments or editions).

(Source: Emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days)

CARNIVAL-AMUSEMENT SAFETY BOARD
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Carnival and Amusement Rides Safety Act
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3) Register Citation to Notice of Proposed Rules: _____ Ill. Reg.
_____, 1997.
- 4) Date, Time and Location of Public Hearing:
August 26, 1997
Tuesday, 11:00 A.M.
Illinois Department of Labor
160 N. LaSalle St., 13th Floor
Chicago, Illinois 60601-3150

5) Other Pertinent Information:

Oral testimony will be limited to 10 minutes per person. Written comments may also be submitted at the Public Hearing or will be accepted until August 11, 1997.

Please submit all comments to:

Carl Kimble, Chief Inspector
Carnival & Amusement Ride Division
Illinois Department of Labor
#1 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
217-782-9347

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENTS

Section 130.853 Account Transactions
EMERGENCY

Effecting or causing to be effected by or for any client's account, any transactions of purchase or sale which are excessive in size or frequency or unsuitable in view of the financial resources and character of the account, shall constitute an act, practice, or course of business ~~an inequitable practice in the sale of securities and a fraudulent business--practice~~ on the part of the registered investment adviser or its representative effecting such transactions or causing the transactions to be effected that is fraudulent, deceptive or manipulative.

(Source: Emergency amendment at 21 Ill. Reg. 9823, effective July 8, 1997, for a maximum of 150 days)

Section 130.854 Use of the Term "Investment Counsel"
EMERGENCY

No registered investment adviser or ~~its representative~~ shall use the title "Investment Counsel" in the conduct of its business nor represent that it is an "investment counsel" nor use the term "investment counsel" as descriptive of its business unless the person is primarily engaged in the business of rendering investment supervisory services.

(Source: Emergency amendment at 21 Ill. Reg. 9823, effective July 8, 1997, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENCY

- a) Part(s) (Heading and Code Citation): Procedures for administering the Brownfields Redevelopment Grant Program

- 1) Rulemaking: No docket presently reserved.

A) Description: This rulemaking will establish the procedures and criteria by which the Agency will administer the grant program pursuant to Section 58.13 of the Environmental Protection Act. The grants will provide financial assistance to be used for coordination of activities related to brownfields redevelopment, identification of brownfields sites, site investigation and determination of remediation objectives and related plans and reports, and development of remedial action plans.

B) Statutory Authority: Implemented and authorized by Section 58.13 of the Environmental Protection Act, 415 ILCS 5/58.13.

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: October 1997

E) Effect on small business, small municipalities or not for profit corporations: The Agency anticipates that small municipalities may be affected by this rule.

F) Agency contact person for information:

Valerie A. Puccini, Assistant Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

G) Related rulemaking and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Access to Information of the Illinois Environmental Protection Agency, 2 Ill. Adm. Code 1826 and Procedures for Determining and Protecting Confidential Information, 2 Ill. Adm. Code 1827

- 1) Rulemaking:

A) Description: This rulemaking is to update citations to the Illinois Compiled Statutes, update references to Illinois Environmental Protection Agency internal organization for contact people, update references to the procedural rules of the Illinois

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENCY

Pollution Control Board, correct typographical errors, update the fee schedule, incorporate cost effective and efficient process changes, and clarify procedures in anticipation of placing these rules on the Internet.

B) Statutory Authority: Implementing Section 7 of the Environmental Protection Act, (415 ILCS 5/7) and implementing and authorized by Section 3(g) of the Freedom of Information Act, (5 ILCS 140/3(g)).

C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Effect on small businesses, small municipalities or not for profit corporations: These rules will have an affect on small municipalities or not for profit corporations.

F) Agency contact person for information:

Valerie Puccini
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

G) Related rulemaking and other pertinent information: The Illinois Pollution Control Board has released a proposal for public comment on Amendments to their rules for Identification and Protection of Trade Secrets in R 97-8 on October 3, 1996.

- c) Part(s) (Heading and Code Citation): Procedures and Requirements for Determining Loan Priorities for Public Water Supplies, 35 Ill. Adm. Code 662

- 1) Rulemaking:

A) Description: These rules set out the procedures that the Agency will follow in administering the Public Water Supply Loan Program, and establishes the following components of the program: (1) loan eligibility criteria, including application and planning requirements; (2) procedures applicable to project construction, including contract bids and awards, physical construction, and project completion; and (3) procedures the Agency will follow in loan administration, including auditing and records, review of financial capability and dedicated source of revenue for loan

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

B) Statutory Authority: The proposed rule implements Title IV-A : Water Pollution Control of the Illinois Environmental Protection Agency (415 ILCS 5/19.1 through 19.8).

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled a hearing or meeting on these proposed rules.

D) Date agency anticipates First Notice: July 15, 1997

E) Effect on small businesses, small municipalities or not for profit corporations: At present, the Public Water Supply Loan Program is limited to public water supplies operated by municipalities or other units of local government, including special districts. One of the purposes of the loan program is to provide low interest loans to small water supplies to help them come into compliance with State and Federal requirements.

F) Agency contact person for information:

Ron Drainer
Grants Section
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-2027

G) Related rulemaking and other pertinent information: These rules will be published simultaneously with "Emergency Procedures and Requirements for Determining Loan Priorities for Public Water Supplies," and are intended to replace the Emergency Rule at the end of 180 days. Proposed Part 663 is a companion to Part 662: Procedures for Issuing Loans from the Water Supply Loan Program, to be published at the same time.

e) Part(s) (Heading and Code Citation): Procedures for the Operation of the Fee System for Processing Inquiry Requests for Agency Records (35 Ill. Adm. Code 877).

1) Rulemaking: No docket presently reserved.

A) Description: The proposed rules will set forth a system for processing inquiry requests for agency records made by the subsequent property owner in order to deflect liability for releases or threat of releases of hazardous substances or pesticides.

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

repayment, loan disbursement, loan repayment and loan termination.

B) Statutory Authority:

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled a hearing or meeting on these proposed rules

D) Date agency anticipates First Notice: July 15, 1997

E) Effect on small businesses, small municipalities or not for profit corporations: At present, the Public Water Supply Loan Program is limited to public water supplies operated by municipalities or other units of local government, including special districts. One of the purposes of the loan program is to provide low interest loans to small water supplies to help them come into compliance with State and Federal requirements.

F) Agency contact person for information:

Ron Drainer
Grants Section
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-2027

G) Related rulemaking and other pertinent information: These rules will be published simultaneously with "Emergency Procedures for Issuing Loans from the Water Revolving Fund," and are intended to replace the Emergency Rule at the end of 180 days. Proposed Part 662 is a companion to Part 663: Procedures and Requirements for Determining Loan Priorities for Public Water Supplies, to be published at the same time.

d) Part(s) (Heading and Code Citation): Procedures and Requirements for Determining Loan Priorities for Public Water Supplies, 35 Ill. Adm. Code 663

1) Rulemaking:

A) Description: These rules establish the methodology that the Agency will follow in prioritizing projects for the issuance of low-interest loans from the Public Water Supply Loan Program to units of local government to finance construction or improvement of public water supplies.

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

- B) Statutory Authority: These rules will be proposed pursuant to Section 22.2(j)(6)(E)(v)(IV) of the Illinois Environmental Protection Act, 415 ILCS 5/22.2(j)(6)(E)(v)(IV) (1992).

- C) Scheduled meeting/hearing dates: None at this time.

- D) Date agency anticipates First Notice: The Environmental Protection Agency anticipates submitting its proposal in Summer or Fall of 1998.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rule could potentially affect any subsequent property owner doing an inquiry request for agency records.

- F) Agency contact person for information:

Kimberly A. Robinson, Assistant Counsel
2200 Churchill Road
Division of Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

- G) Related rulemaking and other pertinent information: There are no related rulemakings.

- f) Part(s) (Heading and Code Citation): Procedures for Determining Water Quality Based Effluent Limitations for National Pollutant Discharge Elimination System Dischargers to the Lake Michigan Basin, 35 Ill. Adm. Code 352.

1) Rulemaking:

- A) Description: These proposed rules would establish implementation procedures specific to the Lake Michigan Basin to be as protective as the Final Water Quality Guidance for the Great Lakes System, published by the USEPA on March 23, 1995 (60 Fed. Reg. 15366) and codified at 40 CFR Parts 9, 122, 123, 131, and 132, in advance of federal promulgation of such procedures.

- B) Statutory Authority: Authorized by Sections 11(b) and 39(b) of the Illinois Environmental Protection Act, 415 ILCS 5/11(b) and 39(b) (1996).

- C) Scheduled meeting/hearing dates: Not yet determined.

- D) Date agency anticipates First Notice: August, 1997

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Yes

- F) Agency contact person for information:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-1654

- G) Related rulemaking and other pertinent information: These proposed rules are complementary to a proceeding entitled, Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code Part 302.101, 302.105, Subpart E, 303.443, and 304.222 now pending before the Illinois Pollution Control Board in R97-25.

- g) Part(s) (Heading and Code Citation): Procedures for collection of air pollution site fees (35 Ill. Adm. Code 251)

1) Rulemaking:

- A) Description: The proposed rule amends the Agency procedures for the collection of air pollution site fees. The amendments are necessary to keep the rules up to date with amendments to the site fee provisions in Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6] ("Act"). The Act was amended in 1993 to increase the amount of fees paid by permitted air pollution sources in Illinois based on permitted emission levels. The proposed rule only applies to sources not subject to Section 39.5 of the Act [415 ILCS 5/39.5].

- B) Statutory Authority: 415 ILCS 5/9.6

- C) Scheduled meeting/hearing dates: The Agency anticipates scheduling a hearing in August 1997.

- D) Date Agency anticipates First Notice: February 1997

- E) Effect on small business, small municipalities or not for profit corporations: The proposed rule will apply to small sources of air pollution that are required to carry permits, but will create no new obligations beyond those required under the Environmental Protection Act.

- F) Agency contact person for information:

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

Bonnie Sawyer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217/524-3333

G) Related rulemaking and other pertinent information: None

h) Part(s) (Heading and Code Citation): Annual Emissions Report (35 Ill. Adm. Code 254)

1) Rulemaking:

A) Description: The proposed amendments to the annual emissions report rules are necessary to implement the Emissions Reduction Market System (ERMS) rule that is currently pending before the Pollution Control Board (R97-13). Revisions are primarily needed to address the seasonal reporting needs of the proposed ERMS.

B) Statutory Authority: 415 ILCS 5/4(b)

C) Scheduled meeting/hearing dates: The Illinois EPA anticipates scheduling a hearing in the Fall of 1997.

D) Date Agency anticipates First Notice: September, 1997

E) Effect on small businesses, small municipalities or not for profit corporations: The proposed amendments to the rule will apply to major sources of volatile organic material emissions in the Chicago ozone non-attainment area. This may include a minimal number of small businesses. The proposed amendments are procedural reporting requirements and impose no new obligations on sources beyond those that will be part of the proposed ERMS rule.

F) Agency contact person for information:

Bonnie Sawyer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217/524-3333

G) Related rulemaking and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

i) Part(s) (Heading and Code Citation): Procedures for the Determination of Water Quality Based Effluent Limits, 35 Ill. Adm. Code 353

1) Rulemaking:

A) Description: These rules establish the criteria to be used by the Illinois Environmental Protection Agency in establishing effluent limits necessary to ensure compliance with water quality standards for individual dischargers, pursuant to 35 Ill. Adm. Code 304.105.

B) Statutory Authority: Authorized by Section 39(b) of the Illinois Environmental Protection Act, 415 ILCS 5/39(b).

C) Scheduled meeting/hearing dates: Not yet determined.

D) Date agency anticipates First Notice: December 1, 1997

E) Effect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Robert Mosher
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-3362

G) Related rulemaking and other pertinent information: 35 Ill. Adm. Code 302.212, 302.213, 304.122

j) Part(s) (Heading and Code Citation): Part 367: "Procedures for Issuing Financial Assistance Awards under the Clean Lakes Program"

1) Rulemaking:

A) Description: The Illinois EPA is authorized by the Illinois Lake Management Program Act and the Conservation 2000 Projects Fund to establish a program for managing and improving the water quality and uses of inland lakes and, to that end to provide financial assistance to lake owners to implement comprehensive water quality and use improvement strategies. These rules establish the eligibility criteria for financial assistance awards, the procedures for submitting financial assistance applications, and the criteria the Agency will use in reviewing financial assistance applications.

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

- B) Statutory Authority: These rules are authorized by the Illinois Lake Management Program Act [525 ILCS 25/1] and the Conservation 2000 Projects Fund [30 ILCS 105/62-31].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled a hearing or meeting on these proposed rules.
- D) Date agency anticipates First Notice: August 1, 1997
- E) Effect on small businesses, small municipalities or not for profit corporations: Owners of lakes with public access will be able to apply for grant money to improve the conditions of their lakes.

F) Agency contact person for information:

Gregg Cood
Planning Section
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-3362

- G) Related rulemaking and other pertinent information: Proposed Part 367 is a companion to Part 368: "Procedures for Determining Priorities for Assistance Awards under the Illinois Clean Lakes Program", which will be proposed at the same time.

- k) Part(s) (Heading and Code Citation): Part 368: "Procedures for Determining Priorities for Assistance Awards Under the Illinois Clean Lakes Program".

1) Rulemaking:

- A) Description: The Illinois EPA is authorized by the Illinois Lake Management Program Act and the Conservation 2000 Projects Fund to establish a program for managing and improving the water quality and uses of inland lakes and, to that end to provide financial assistance to lake owners to implement comprehensive water quality and use improvement strategies. These rules establish methodology by which the Agency will prioritize applications for financial assistance awards under the Clean Lakes Program.

- B) Statutory Authority: These rules are authorized by the Illinois Lake Management Program Act [525 ILCS 25/1] and the Conservation 2000 Projects Fund [30 ILCS 105/62-31].

ENVIRONMENTAL PROTECTION AGENCY

JULY 1997 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled a hearing or meeting on these proposed rules.
- D) Date agency anticipates First Notice: August 1, 1997
- E) Effect on small businesses, small municipalities or not for profit corporations: Owners of lakes with public access will be able to apply for grant money to improve the conditions of their lakes.

F) Agency contact person for information:

Gregg Cood
Planning Section
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-3362

- G) Related rulemaking and other pertinent information: Proposed Part 368 is a companion to Part 367: "Procedures for Issuing Financial Assistance Awards under the Illinois Clean Lakes, which will be proposed at the same time.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

9870

97

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 8, 1997 through July 14, 1997 and have been scheduled for review by the Committee at its August 12, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/22/97	Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	2/14/97 21 Ill Reg 1798	8/12/97
8/22/97	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	2/14/97 21 Ill Reg 1808	8/12/97
8/22/97	State Universities Retirement System, Universities Retirement (80 Ill Adm Code 1600)	5/16/97 21 Ill Reg 6059	8/12/97
8/23/97	Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)	5/2/97 21 Ill Reg 5392	8/12/97
8/27/97	Environmental Protection Agency, Design Criteria of Pressure Sewer Systems (35 Ill Adm Code 374)	2/21/97 21 Ill Reg 2543	8/12/97

PROCLAMATIONS

97-373

AMATEUR RADIO WEEK

Whereas, the State of Illinois has more than 25,000 licensed amateur radio operators who have demonstrated their value in public assistance by providing emergency radio communications and assisting in public functions; and

Whereas, these amateur radio operators donate their services free of charge to the State in the interest of other citizens; and

Whereas, amateur radio operators are on alert for any emergency, natural or manmade, and are often the first on the scene to provide communications assistance; and

Whereas, amateur radio operators practice their communication skills during the American Radio Relay League's Field Day exercise;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23-29, 1997, as AMATEUR RADIO WEEK in Illinois.

Issued by the Governor June 20, 1997.

Filed by the Secretary of State June 30, 1997.

97-374

ROLLE BOLLE DAYS

Whereas, the United Bolder's Club of Western Illinois will sponsor a banquet to celebrate their 75th anniversary; and

Whereas, Belgium Consul General Vandemeulebroucke will be the key note speaker at this event; and

Whereas, the United Bolder's Club of Western Illinois will honor "Rolle Bolle" players who are 80 years old and over who compete for the championship of the Western League; and

Whereas, the "Rolle Bolle" games are originated in Flanders, Belgium, and have been passed on through several generations; and

Whereas, the game is an important recreational activity that is always a major event at the church's activities, summer festivals and county and state fairs; and

Whereas, the "Rolle Bolle" game preserves and promotes Belgian culture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 11-20, 1997, as ROLLE BOLLE DAYS in Illinois.

Issued by the Governor June 20, 1997.

Filed by the Secretary of State June 30, 1997.

97-375

SINGLE PARENTS DAY

Whereas, being a working single parent is a contradicting, yet rewarding task for the parent and child or children in a family; and

Whereas, single men and women have to work a full shift at their place of employment, then prepare themselves for the next shift of work at home as single parents; and

Whereas, single parents have to go through the endless struggle of trying to be both mother and father to their child or children; and

Whereas, Mother's Day and Father's Day do not provide enough recognition

for these parents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 3, 1997, as SINGLE PARENTS DAY in Illinois in honor of the men and women who dedicate their lives to their children and their prosperity.

Issued by the Governor June 20, 1997.

Filed by the Secretary of State June 30, 1997.

97-376

MICHAL A. GROCHOLSKI DAY

Whereas, Michal A. Grocholski arrived in Chicago and assumed duties as Consul General, Minister Plenipotentiary on March 9, 1992; and

Whereas, on March 17, 1992, he was granted recognition by the State Department in Washington, D.C.; and

Whereas, Michal Grocholski and his wife, Julitta, graciously welcome Poles, Polish Americans and all people to the Consulate in the true Polish tradition of "guest in the house, God in the house;" and

Whereas, Mr. Grocholski formerly served as a consultant at the Polish Chamber of Foreign Trade, where he was responsible for export-promotion programs as well as bilateral economic committees; Poland-USDA during 1988-89 and Poland-Japan during 1985-88; and

Whereas, for many years, Mr. Grocholski lectured at seminars and conferences of the International Chambers of Commerce and published articles on public relations in trade promotion;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 27, 1997, as MICHAL A. GROCHOLSKI DAY in Illinois.

Issued by the Governor June 24, 1997.

Filed by the Secretary of State June 30, 1997.

97-377

MOTHERS OF TWINS AND MULTIPLES WEEK

Whereas, for 37 years, the Mothers of Twins Club, a national organization with a statewide membership of 23,500, has offered support to parents who face one of life's more unique situations; and

Whereas, the club focuses on bringing together parents, educators, and physicians to exchange information on the rearing, development, and recognition of the individuality of twins; and

Whereas, the club is hosting its 34th annual convention July 20-27, 1997, at Pheasant Run Resort in St. Charles, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 20-27, 1997, as MOTHERS OF TWINS AND MULTIPLES WEEK in Illinois.

Issued by the Governor June 24, 1997.

Filed by the Secretary of State June 30, 1997.

97-378

METRIC WEEK

Whereas, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

Whereas, the United States Metric Association is a nonprofit organization

dedicated to helping the American people, industry, and government adopt the international metric system as their primary means of measurement; and

Whereas, the United States has taken many important steps toward metrification, including requiring metric labeling on all consumer packaging; and

Whereas, the Goals 2000 bill has passed Congress and been signed into law, which stipulates for the first time that SI metric should be taught in all science and math classes in the United States; and

Whereas, metric construction in excess of \$9 billion is now taking place in the United States; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-11, 1997, as METRIC WEEK in Illinois and urge citizens to use the metric system whenever possible.

Issued by the Governor June 25, 1997.

Filed by the Secretary of State June 30, 1997.

97-379

TRANSISTOR MONTH

Whereas, on December 16, 1947, three scientists of Bell Laboratories, Lucent Technologies, Nobel Prize winners John Bardeen, Walter Brattain and William Shockley succeeded in inventing the transistor; and

Whereas, the transistor has given rise to a multi-billion dollar microelectronics industry that today produces a dazzling variety of products and services; and

Whereas, there is neither an industry nor an individual in this or in any other industrialized country that has not benefited from the transistor; and

Whereas, Lucent Technologies and its 10,000 employees in Illinois continue this tradition of innovation by manufacturing and developing other communications products; and

Whereas, December 1997 marks the 50th anniversary of the discovery and development of the transistor;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1997 as TRANSISTOR MONTH in Illinois.

Issued by the Governor June 25, 1997.

Filed by the Secretary of State June 30, 1997.

97-380

JERRY WITKOVSKY COMMENDED

Whereas, Jewish Community Centers of Chicago has been providing cultural, educational, social and recreational programs and services to individuals and families in the greater Chicago area for 94 years; and

Whereas, Jerry Witkovsky has served the greater Chicago community through his tenure with Jewish Community Centers of Chicago for the past 47 years; and

Whereas, Jerry Witkovsky has served as General Director of the Jewish Community Centers of Chicago for the past 17 years; and

Whereas, as General Director, Jerry Witkovsky has directed community initiatives including: intensification of the mission of Jewish Community Centers of Chicago; building strong Jewish neighborhoods and communities and delivering appropriate services; development and strengthening of partnerships with synagogues, community organizations and Jewish service agencies; expansion of service, through the Community Centers and Camps, to serve more fully the

needs of the Jewish community in Chicago; adoption and solidification of business practices to secure the financial stability and self-sufficiency of Jewish Community Centers of Chicago; and education, study, training and supervision for lay leaders and staff; and

Whereas, Jerry Witkovsky's vision, passion and dedication have moved Jewish Community Centers of Chicago forward with unprecedented growth and expansion; and

Whereas, Jerry Witkovsky is retiring from his lifelong service to the Jewish Community Centers of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Jerry Witkovsky on his years of leadership, vision and selfless dedication to his career as General Director of Jewish Community Centers of Chicago.

Issued by the Governor June 26, 1997.

Filed by the Secretary of State July 3, 1997.

97-381

WALLS-TOLBERT-RILEY FAMILY REUNION WEEKEND

Whereas, the Walls-Tolbert-Riley Family value their tradition and culture and recognize the importance of their heritage; and

Whereas, members of the Walls-Tolbert-Riley Family gather for family reunions to share memories of the past, celebrate the present and look forward to future; and

Whereas, during the weekend of July 4-6, 1997, the Walls-Tolbert-Riley Family will gather in Illinois for a family reunion; and

Whereas, family members and dear friends of the Walls-Tolbert-Riley Family will travel long distances from other states to take part in the celebration;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 4-6, 1997, as the WALLS-TOLBERT-RILEY FAMILY REUNION WEEKEND in Illinois.

Issued by the Governor June 26, 1997.

Filed by the Secretary of State July 3, 1997.

97-382

HISPANIC HERITAGE MONTH

Whereas, Illinois' Hispanic-American population continues to grow significantly and contributes greatly to the economic, cultural, and civic prosperity of our State; and

Whereas, Hispanic-Americans have demonstrated their dedication to the ideals and principles upon which the United States was founded; and

Whereas, the countries of Belize, Bolivia, Mexico, Nicaragua, Spain, Guatemala, Honduras, Chile, Costa Rica, and El Salvador celebrate independence days or national holidays between September 15 and October 15; and

Whereas, Congress approved a Joint Resolution September 17, 1968, requesting and authorizing the president to annually issue a proclamation designating the one month period from September 15 to October 15 as National Hispanic Heritage Month;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 15-October 15, 1997, as HISPANIC HERITAGE MONTH in Illinois and urge all Illinoisans to recognize the contributions of Hispanics.

Issued by the Governor June 27, 1997.

Filed by the Secretary of State July 3, 1997.

97-383

TRAVEL PROFESSIONALS DAYS

Whereas, the travel and tourism industry is one of the nation's largest sources of employment; and

Whereas, traveling is an industry that is rapidly growing, and the need for travel professionals will increase by more than 24 million by the year 2000; and

Whereas, Apollo Travel Services is hosting 6,000 travel professionals at the Chicago Hilton and Towers for the 1997 Apollo Travel and Technology Conference; and

Whereas, there will be numerous workshops available to attendees to enhance their knowledge and skills in the tourism field;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 17-25, 1997, as TRAVEL PROFESSIONALS DAYS in Illinois.

Issued by the Governor June 27, 1997.

Filed by the Secretary of State July 3, 1997.

97-384

NATIONAL ASSOCIATION OF BLACK JOURNALISTS WEEK

Whereas, the National Association of Black Journalists (NABJ) was founded in 1975 and is now the world's largest media organization for people of color, with 3,000 members, 69 affiliated professional chapters and 41 student chapters; and

Whereas, NABJ strives to unite African-American journalists dedicated to truth and excellence in the media, to encourage more balanced portrayals of people of color; and

Whereas, the National Association of Black Journalists places great value on assisting promising African-American students with the financial resources necessary to complete their education, while providing mentoring and guidance; and

Whereas, each year NABJ and its affiliate chapters award scholarships in excess of \$100,000 to African-American journalism students; and

Whereas, from July 16-20, the Chicago Association of Black Journalists will host the NABJ's 1997 Annual Convention at the Chicago's Hyatt Regency Hotel, with more than 3,500 African-American media professionals in attendance;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 14-20, 1997, as NATIONAL ASSOCIATION OF BLACK JOURNALISTS WEEK in Illinois.

Issued by the Governor June 30, 1997.

Filed by the Secretary of State July 3, 1997.

97-385

THEATRE DAYS

Whereas, theatrical groups throughout the State have delighted Illinois audiences for many years with memorable, entertaining, thought-provoking, and award-winning productions; and

Whereas, the Illinois Theatre Association is celebrating its 25th anniversary at their convention on September 25-26, 1997; and

Whereas, the Illinois Theatre Association sponsors and coordinates the Illinois High School Theatre Festival, which is co-sponsored by the Illinois

State Board of Education, and attracts over 5,000 people annually; and
Whereas, the Illinois Theatre Association is also home to the Professional Theatre, University College Theatre, Children's Theatre, Creative Dramatics and Community Theatre; and

Whereas, theatre has become a bold voice for contemporary American drama and a cultural ambassador to people of all ages and backgrounds;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27-28, 1997, as THEATRE DAYS in Illinois in recognition of theatre's importance to the arts and culture in our State.

Issued by the Governor June 20, 1997.

Filed by the Secretary of State July 3, 1997.

97-386

BLACK EXPO WEEK

Whereas, in past years, Black Expo Chicago has attracted more than 100,000 Illinois residents and visitors from neighboring states; and

Whereas, Black Expo Chicago brings together majority, minority, and African-American consumers, affording each an opportunity to have direct interface with the others for a common advantage; and

Whereas, Black Expo Chicago 1997 will be held July 18-20 at McCormick Place North Building. The event will provide an array of interesting, impactful, and educational activities to enrich and enlighten African-Americans of varying lifestyles; and

Whereas, Black Expo Chicago attendees will receive information on economics, business, education, health care, and job placement via seminars, demonstrations, and lectures;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 14-20, 1997, as BLACK EXPO WEEK in Illinois and urge citizens to be cognizant of the activities planned for the exposition.

Issued by the Governor July 2, 1997.

Filed by the Secretary of State July 3, 1997.

97-387

SLOVAK AMERICAN DAY

Whereas, there are 175,000 people of Slovak descent in Illinois; and
Whereas, on August 17, 1997, the Slovak people will celebrate their heritage and culture; and

Whereas, the Slovak Folk Ensemble will perform at the celebration; and
Whereas, Slovak Americans are proud of their heritage and strive to continue to pass down the legacy of Slovak American traditions; and

Whereas, one famous Illinoisan of Slovak ancestry is Col. Gdejza Mihalotzy-Michalovsky from Zemplin Co., Slovakia, who settled in Illinois and during the American Civil War formed the military corps known as the Lincoln Riflemen of Slovak origin. He died of wounds received in battle; and

Whereas, other famous Illinoisans of Slovak ancestry include Astronaut Eugene Cernan, baseball great Andy Pafko, football Hall of Famer George Blanda, Chicago Blackhawks hockey player Stan Mikita, and Reverend Lawrence Jenco, who was held hostage by Islamic extremists and authored the book "Bound to Forgive;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

August 17, 1997, as SLOVAK AMERICAN DAY in Illinois.

Issued by the Governor July 2, 1997.

Filed by the Secretary of State July 3, 1997.

97-377

MOTHERS OF TWINS AND MULTIPLES WEEK (REVISED)

Whereas, for 37 years, the Mothers of Twins Club, a national organization with a nationwide membership of 23,500, has offered support to parents who face one of life's more unique situations; and

Whereas, the club focuses on bringing together parents, educators, and physicians to exchange information on the rearing, development, and recognition of the individuality of twins; and

Whereas, the club is hosting its 37th annual convention July 20-27, 1997, at the Wyndham Hotel in Itasca, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 20-27, 1997, as MOTHERS OF TWINS AND MULTIPLES WEEK in Illinois.

Issued by the Governor June 24, 1997.

Filed by the Secretary of State July 11, 1997.

97-387

SLOVAK AMERICAN DAY (REVISED)

Whereas, there are 175,000 people of Slovak descent in Illinois; and
Whereas, on August 17, 1997, the Slovak people will celebrate their heritage and culture; and

Whereas, the Slovak Folk Ensemble will perform at the celebration; and
Whereas, Slovak Americans are proud of their heritage and strive to continue to pass down the legacy of Slovak American traditions; and

Whereas, one famous Illinoisan of Slovak ancestry is Col. Gdejza Mihalotzy-Michalovsky from Zemplin Co., Slovakia, who settled in Illinois and during the American Civil War formed the military corps known as the Lincoln Riflemen of Slovak origin. He died of wounds received in battle; and

Whereas, other famous Illinoisans of Slovak ancestry include Astronaut Eugene Cernan, baseball great Andy Pafko, football Hall of Famer George Blanda, Chicago Blackhawks hockey player Stan Mikita, and Reverend Lawrence Jenco, who was held hostage by Islamic extremists and authored the book "Bound to Forgive;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 17, 1997, as SLOVAK AMERICAN DAY in Illinois.

Issued by the Governor July 2, 1997.

Filed by the Secretary of State July 11, 1997.

97-388

ADA - TYING IT ALL TOGETHER DAY

Whereas, the Americans with Disabilities Act (ADA) has and continues to open more doors for Illinois citizens with disabilities who want full inclusion in employment, transportation, education, communications and the community; and

Whereas, the ADA affects individuals with disabilities and their civil rights and was signed into law seven years ago this month; and

Whereas, during the past seven years, more people with disabilities have

pursued opportunities for independence and self-sufficiency and are participants in our society because of ADA; and

Whereas, Illinois continues to be a leader in promoting and implementing civil rights legislation such as the ADA; and

Whereas, our citizens must continue to learn about accessibility laws and the needs of people with disabilities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 23, 1997, as ADA - TYING IT ALL TOGETHER DAY in Illinois.

Issued by the Governor July 7, 1997.

Filed by the Secretary of State July 11, 1997.

97-389

JEWISH UNITED FUND OF METROPOLITAN CHICAGO AND JEWISH FEDERATION OF METROPOLITAN CHICAGO SILVER CIRCLE DAY

Whereas, the Jewish United Fund of Metropolitan Chicago and the Jewish Federation of Metropolitan Chicago raise and allocate funds to support local and international institutions of human health, welfare, education and relocation; and

Whereas, more than 10,000 individuals and families have contributed their time and resources to this mission each and every year for more than 25 years; and

Whereas, these sterling people, members of the Silver Circle, will be honored at a celebration August 27, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 27, 1997, as JEWISH UNITED FUND OF METROPOLITAN CHICAGO AND JEWISH FEDERATION OF METROPOLITAN CHICAGO SILVER CIRCLE DAY in Illinois.

Issued by the Governor July 7, 1997.

Filed by the Secretary of State July 11, 1997.

Rules acted upon during the quarter of July 1 through September 30, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

35-205-30

35-241-30

35-742-30

56-6000-30

71-400-30

71-2005-30

77-205-30

77-692-30

89-148-30

ADOPTED

14-550-30

20-110-30

83-335-30

89-140-30

EMERGENCY

14-130-30

71-400-30

89-148-30

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

1977-1978 1979 1980 1981 1982 1983 1984 1985 1986
1987 1988 1989 1990 1991 1992 1993 1994 1995

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1981 1982 1983 1984 1985 1986 1987 1988 1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1984 1985 1986 1987 1988 1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

1990 1991 1992 1993 1994 1995 1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

(VOLUME #)

(ISSUE #)

(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

NEW RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY
@\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$

CHECK VISA DISCOVER CARD #

EXPIRATION DATE: SIGNATURE:

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

